URBAN/MUNICIPAL
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C51P4
Sept/12/91 —

AGENDA/MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE FOR THE CORPORATION OF THE CITY CITY OF HAMILTON

URBAN/MUNICIPAL
CA4 ON HGL A05
C51P4

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1991 September 12

NOTICE OF MEETING

URBAN MUNICIPAL
SEP 17 1991
GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1991 SEPTEMBER 18
9:30 O'CLOCK A.M.
ROOM 233, CITY HALL

Charlene J. Coutts, Secretary
Planning and Development Committee

AGENDA

1. Consent Agenda.

DELEGATION

2. Wellington Chase and Separate School Board Land Exchange - Parkland Credit, Hamilton.

DIRECTOR OF PROPERTY

3. Release of Building Covenants - Altofort Development Inc. (Fortino's) Hamilton, Industrial Park No. 1, Lot 7 and North Half of Lot 6, Plan M-227, Lancing Drive, Hamilton, Ontario.

4. Expropriation by City of Hamilton - 211 Brant Street, Mr. Joseph Kusz.

BUILDING COMMISSIONER

5. Housing Framework for Ontario and Government Land for Housing.

6. 161 Delaware Avenue - Zoning Application for Public Meeting scheduled for 1991 October 2. (Information Report)

REFERRAL FROM CITY COUNCIL

7. a) Letter dated 1991 August 14, from Mr. Andy Robertson, 240 Bendamere Avenue, Hamilton re: Sale of City Owned Lands - Gerrard and Brant Streets to Philip Enterprises Inc.

   b) Report dated 1991 August 30, from Director of Property - Response to Mr. A. Robinson's letter to City Council re: Sale of Land in the Alpha Enclave to Philip Enterprises Inc.

DURAND NEIGHBOURHOOD PLAN IMPLEMENTATION COMMITTEE

8. Traffic Measures in Durand Neighbourhood.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

9. Zoning Application 91-31, A. and S. Aceti, owners, for a change in zoning from "B" to "C" for property at 193 Stone Church Road West; Sheldon Neighbourhood.

10. Zoning Application 91-38, F. and T. Dalpetz, owners, for a change in zoning from "AA" to "C" for property at 297 Stone Church Road West; Sheldon Neighbourhood.

11. Zoning Application 91-34, Hamilton Horseshoe Pitching Club Inc., lessee, for a modification to the "KK" District regulations for property at 170 Brockley Drive; Grayside Neighbourhood.

10:45 O'CLOCK A.M.

12. Zoning Application 91-28, J. F. Petis, owner, for a change in zoning from "D" to "E-3" for properties at 180-188 Wilson Street; Beasley Neighbourhood.

13. Zoning Application 89-113, 546544 Ontario Inc. (G. Sulug), owner, for an amendment to the Official Plan and changes in zoning from "AA" and "C" to "G-3" for land on the south side of Strawberry Drive and east of Lake Avenue North (rear of 921 Queenston Road); Riverdale East Neighbourhood.

11:00 O'CLOCK A.M.

14. Zoning Application 91-08, 668550 Ontario Inc. (A. Tuite and L. Centurami), owners, for an amendment to the Official Plan and a change in zoning from "AA" to "G-3" modified for property at 75 Rymal Road East; Ryckmans Neighbourhood.

15. Zoning Application 91-37, D. J. Armstrong, owner, for a further modification to the "HH" District regulations for land at the south west corner of Upper Sherman Avenue and Limeridge Road East; Thorner Neighbourhood.

16. Zoning Application 90-67, Presbyterian Residences (Hamilton) Inc., prospective owner, lands located on the west side of Rice Avenue, south of Chedmac Drive; Mountview Neighbourhood.

17. Site Plan Control Application DA-91-46 - McDonald's Restaurants of Canada Ltd., lessee of lands known as 524 Limeridge Road East.

18. Site Plan Control Application DA-91-52 - Oshawa Holdings Ltd., owner of lands known as 590 Nash Road North.

19. **OTHER BUSINESS**

20. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

ITEM	ORIGINAL DATE	ACTION	STATUS
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review underway
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed

ITEM	ORIGINAL DATE	ACTION	STATUS
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
Petition - Disbanding of Jamesville B.I.A.	1991 June 19	Public Works	Pending Public Meeting - Report to follow.
City Initiative - 1100 Limeridge Rd. E. - for Senior Citizens apartments.	1991 July 24	Planning	To be processed
Public Meeting - Carter Square, Neighbourhood Plan Amendment	1991 July 24	Planning	Report Pending
ZA 90-74 - 49 Holly Avenue	1991 August 21	Alderman Wilson	Tabled at Aldermen Wilson's request to give him opportunity to meet with owners.

1.

PLANNING AND DEVELOPMENT COMMITTEE MEETING

WEDNESDAY, 1991 SEPTEMBER 18

C O N S E N T A G E N D A

ADOPTION OF MINUTES

A. Minutes of the Planning and Development Committee for its meeting held 1991 August 21.

BUILDING COMMISSIONER

B. Hamilton Rehabilitation Programme Application - 13 Albemarle Street.

C. Demolition Permit Application - 403 Sherman Avenue North.

D. Demolition Permit Application - 1258 Upper Wentworth Street.

E. City of Hamilton Heritage Programme - 172-176 Locke Street South.

F. City of Hamilton Heritage Programme - 27 Bold Street.

MANAGER OF PURCHASING

G. Supply, Deliver and Install Office Furniture, Building Department.

H. Central Beasley (P.R.I.D.E.) - Appointment of Contractor for McLaren Park. (copy available at meeting)

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

I. South Hill - Phase 2, Hamilton - Cash Payment-in-Lieu of 5% Parkland Dedication.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

J. Gardener's Cottage, 25 Tecumseh Street - Support for Proposed City Acquisition.

K. Princess Elizabeth School, 235 Bowman Street - Designation, Ontario Heritage Act.

A

Wednesday, 1991 August 21
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman V. Formosi
Alderman H. Merling

Regrets: Alderman D. Ross (City Business)

Also present: Alderman D. Agostino
Alderman J. Gallagher
Mr. A. Georgieff, Director of Local Planning
Mr. M. Watson, Manager of Real Estate Division, Property Department
Mr. R. Karl, Traffic Department
Mrs. N. Chapple, Planning Department
Mr. L. Farr, Law Department
Mr. D. Godley, Planning Department
Ms. J. McNeilly, Community Renewal Division, Public Works Department
Mr. K. Brenner, Regional Engineering Department
Mr. B. Janssen, Planning Department
Mr. R. Chrystian, Manager, Parks Division, Public Works Department
Mr. P. Mallard, Planning Department
Ms. C. Coutts, Secretary

CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1991 July 24 and these minutes were approved as circulated.

BUILDING COMMISSIONER - CITY OF HAMILTON HERITAGE PROGRAM

B. 112 Aberdeen Avenue

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 112 Aberdeen Avenue. The Committee approved the following recommendation:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, three hundred and thirty-eight dollars ($2,338.) be approved for Keltie Law, 112 Aberdeen Avenue, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, three hundred and thirty-eight dollars ($2,338.) be provided to Keltie Law, 112 Aberdeen Avenue, Hamilton.

C. 219 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 219 Ferguson Avenue South. The Committee approved the following recommendation:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of four hundred and twelve dollars ($412.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of four hundred and twelve dollars ($412.) be provided to Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

D. 221 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 221 Ferguson Avenue South. The Committee approved the following recommendation:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and fifty dollars ($350.) be approved for Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three hundred and fifty dollars ($350.) be provided to Ilze Dreimanus, 221 Ferguson Avenue South, Hamilton.

E. 223 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 223 Ferguson Avenue South. The Committee approved the following recommendation:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and thirty-seven dollars ($337.) be approved for Ms. P. L. Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three hundred and thirty-seven dollars ($337.) be provided to Ms. P. L. Preston, 223 Ferguson Avenue South, Hamilton.

F. 225 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 225 Ferguson Avenue South. The Committee approved the following recommendation:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and thirty-seven dollars ($337.) be approved for Mr. Hugh Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three hundred and thirty-seven dollars ($337.) be provided to Mr. Hugh Caughey, 225 Ferguson Avenue South, Hamilton.

G. 227 Ferguson Avenue South

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 227 Ferguson Avenue South. The Committee approved the following recommendation:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of three hundred and fifty dollars ($350.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of three hundred and fifty dollars ($350.) be provided to Elaine Elson, 227 Ferguson Avenue South, Hamilton.

H. 33 Undermount Avenue

The Committee was in receipt of a report dated 1991 August 13, from the Building Commissioner, respecting an application under the City of Hamilton Heritage Program for the property at 33 Undermount Avenue . The Committee approved the following recommendation:

That a Designated Property Grant in the amount of seven hundred and thirty-three dollars($733.) be provided to Alan Stacy, 33 Undermount Avenue, Hamilton.

I.-L. BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

The Committee was in receipt of reports from the Building Commissioner, respecting Demolition Permit Applications for 185 Nash Road South, 644 Eaglewood Drive, 1188 Rymal Road East and 99 Dundurn Street North. The Committee approved the following recommendation:

That the Building Commissioner be authorized to issue a demolition permit for the following properties:

(a) 185 Nash Road South
(b) 644 Eaglewood Drive
(c) 1188 Rymal Road East
(d) 99 Dundurn Street North

M. DIRECTOR OF PUBLIC WORKS

Jamesville B.I.A. Interim Board of Management.

The Committee was in receipt of a report dated 1991 August 13, from the Director of Public Works, respecting the above-noted matter and approved the following:

(a) That By-law Number 86-74, amended by By-law Number 87-147 appointing the Jamesville B.I.A. Board of Management be amended to delete the following names:

D. Robbins	Robbinex Capital Corporation
S. Leon	Irving's Famous Clothes Limited
P. Viana	Acadia Travel Services Inc.
L. Bornstein	Gordon & Son Furs Ltd.
M. Giammichele	Mario Custom Tailor
M. Morgenstern	Nandor-Morgenstern Enterprises Ltd.
H. Organ	Kohler's Rexall Drug Store
G. Ricca	Ricca's Furniture Ltd.
J. Sherman	Jerry's Man's Shop
K. Sherman	Anshel's
B. Miller	Miller's Shoe Store

and add the following:

P. Jovanovich	Copper John's Tavern
U. Wood	Bank of Montreal
G. Ricca	Ricca's Furniture
D. Lengyell	Biway

(b) That the City Solicitor be authorized and directed to amend By-law Number 86-74, amended by By-law No. 87-147 pursuant to (a) above.

REGULAR AGENDA

2. PUBLIC MEETING - RENTAL HOUSING PROTECTION ACT APPLICATION

The Committee was in receipt of a report dated 1991 August 14, from the Commissioner of Planning and Development, respecting an application under the Ontario Rental Housing Protection Act to sever a lot containing 5 rental units at 15, 17 and 19 Strachan Street East and 337 and 339 Hughson Street North in the North End East Neighbourhood.

Hearing no objections from the Public attending the meeting, the Committee approved the following recommendation:

> That approval be given to Rental Housing Protection Act Application SE-91-001, Barry Szajman, owner, for severing one property with five rental units into two properties containing 3 and 2 rental units at 15, 17 and 19 Strachan Street East; and, 337 and 339 Hughson Street North on the grounds that it does not adversely affect the supply of affordable rental housing in the Municipality and therefore, meets the conditions for approval under the Rental Housing Protection Act.

COMMISSIONER OF PLANNING AND DEVELOPMENT

3. Proposed Plan - Hamilton Beach Neighbourhood

Given that Mr. Ben Vanderbrug, General Manager, Hamilton Region Conservation Authority and Mr. Reg Wheeler, Chairman, Beach Neighbourhood Plan Committee requested an opportunity to address this matter, the Committee agreed to table this matter until 10:00 o'clock a.m., at which time both parties would be in attendance.

4. Comments on the Proposed Amendment No. 53 to the Hamilton-Wentworth Official Plan.

The Committee was in receipt of a report dated 1991 August 13, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee approved the following recommendation:

(a) That the comments contained in the report reviewing proposed Amendment Number 53 to the Hamilton-Wentworth Official Plan, attached to the report and marked Appendix "A", be endorsed; and,

(b) That Regional Council be so advised of City Council's endorsement.

DIRECTOR OF PROPERTY

5. Authorization to allow the Transfer of Title from Samuel, Peter and Morris Mercanti, Moore and Davis Enterprises Inc. and Arthur Glenn Bryant to Carmen's Square Limited - Anchor Plan, Parts 3 and 4, Plan 62R-5200.

The Committee was in receipt of a report dated 1991 August 13 from the Director of Property, respecting the above-noted matter.

The Committee approved the following recommendation:

That Item 14 of the Fourth Report of the Planning and Development Committee as approved by City Council on 1990 February 13, be amended, as follows:

(a) That approval be granted to allow the transfer of title in the City's deed 9495 from Samuel, Peter and Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant each as to a 20% undivided interest, as tenants in common to "Carmen's Square Limited".

(b) That the Purchasers' solicitor must prepare all necessary agreements and deed subject to the approval of the City Solicitor.

(c) That any costs incurred by the City in this regard will be borne by the Purchaser.

BUILDING COMMISSIONER

6. Demolition of 74 Charlton Avenue East.

The Committee was in receipt of a report dated 1991 August 12 from the Building Commissioner, respecting the above-noted matter.

The Committee approved the following recommendation:

That the application for demolition of 74 Charlton Avenue East be referred to the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) for consultation.

DIRECTOR OF PUBLIC WORKS

7. Phase IV of the Downtown Action Plan - Implementation of Sanitation Recommendation - Public Service Announcement.

The Committee was in receipt of a report dated 1991 August 13 from the Director of Public Works, respecting the above-noted matter.

The Committee approved the following recommendation:

(a) That the Community Renewal Section of the Public Works Department proceed with the development of a third annual "Keep Hamilton Clean Public Service Announcement Competition" at a total estimated cost of three thousand dollars ($3,000.) in co-ordination with the Broadcasting Department at Mohawk College, C.H.C.H. - T.V., the Keep Hamilton Clean Committee and the Downtown Action Plan Co-ordinating Committee (D.A.P.C.O.M.) to promote the objectives of Phase IV of the Downtown Action Plan, Sanitation Study.

(b) That this expenditure be financed from Account Number CF 5698 42880 3006, Phase IV of the Downtown Action Plan, to which sufficient funds are available.

8. Central/Beasley P.R.I.D.E. Housing Intensification Programme (H.INT.) - Authorization to Sign Provincial/Municipal Agreement and Hold a Public Meeting.

The Committee was in receipt of a report dated 1991 August 13, from the Director of Public Works, respecting the above-noted matter.

The Committee approved the following recommendation:

(a) That the Community Renewal Section of the Public Work Department be authorized to hold a public meeting to receive public input and establish a Citizen Advisory Committee for the purpose of implementing the Ministry of Municipal Affairs' P.R.I.D.E. Housing Intensification Programme in the Central/Beasley Neighbourhood; and,

(b) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Agreement required to implement the Central/Beasley P.R.I.D.E. H.INT. Programme.

REFERRAL FROM CITY COUNCIL

9. Jamesville Business Improvement Area Petition - Refusal to pay B.I.A. Levies.

The Committee was in receipt of a report dated 1991 August 15, from the Director of Public Works, respecting the Jamesville Business Improvement Area Petition that was submitted to City Council on 1991 July 30, wherein the Business People of James Street North refused to pay any B.I.A. Levy and that the merchants do not want any of the B.I.A. People coming into their businesses.

The Committee was also in receipt of a letter dated 1991 July 30, from the City Clerk to the Business People of James Street North, informing them that City Council at its meeting held 1991 July 30, **received** their petition and referred the same to the Planning and Development Committee for its consideration and appropriate action.

The Committee approved the following recommendation:

That the petition from the Business People of James Street North dated 1991 July 24, submitted to City Council on 1991 July 30, **be received.**

FINANCE AND ADMINISTRATION COMMITTEE

10. Residential Identification - Residence Numbers placed on Telephone/Hydro Poles.

The Secretary informed the Committee that a representative from Hamilton Hydro Electric System has been invited to appear before the Committee to address this matter. The Committee agreed to table this item to the end of the meeting at which time the aforementioned representative would be present.

BUSINESS LAND USE ADVISORY BOARD

11. Comments on the "M" District Study.

The Committee was in receipt of a report dated 1991 July 30, from the Chairman of the Business Land Use Advisory Board, with respect to the above-noted matter.

Alderman Lombardo expressed disappointment with respect to Community response to the "M" District Study.

After considerable discussion the Committee approved the following recommendation:

That the Planning and Development Committee:

(a) be advised that the Business Land Use Advisory Board supports in principle the recommendations of the "M" District Study; and,

(b) request staff to consider the comments of the Business Land Use Advisory Board in the finalization of the "M" District Study.

The Committee then moved for adjournment until 10:00 o'clock a.m., at which time the Committee would meet with representatives of the Hamilton Region Conservation Authority with respect to the Hamilton Beach Neighbourhood Plan and subsequently the Zoning Applications.

Upon announcing adjournment of the Committee, Reverent Burridge and representatives of the Jamesville Business Improvement Area, expressed concern that their petition was merely received by that the Committee and that no action will be taken. After much disorder, the Chairman advised the Committee that the meeting was adjourned until 10:00 o'clock a.m.

At 10:00 o'clock a.m., the Chairman called the meeting to order to meet with representatives of the Hamilton Region Conservation Authority, however, representatives of the Jamesville Business Improvement Area were still present and demanded action with respect to the petition submitted to City Council. Alderman Lombardo informed the residents present that this Item has already been dealt with by the Committee. The representatives of the Jamesville Business Improvement Area were not satisfied with this response and refused to leave the meeting room until this matter had been properly dealt with. The Committee once again agreed to adjourn the meeting until order was resumed.

The meeting reconvened at 10:15 p.m.

COMMISSIONER OF PLANNING AND DEVELOPMENT

3. **Proposed Plan - Hamilton Beach Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 12 from the Commissioner of Planning and Development, respecting the Proposed Plan for the Hamilton Beach Neighbourhood.

Mr. David Godley, Planning Department, made a presentation with respect to the Hamilton Beach Neighbourhood Plan and Official Plan Amendment and informed the Committee that a Public Meeting has been scheduled for 1991 September 30, and following the Public Meeting the Department will prepare a report for presentation to the Planning and Development Committee at that time.

Mr. Ben Vanderbrug, General Manager, Hamilton Region Conservation Authority, appeared before the Committee to express his concerns that the plans to be shown at the Public Meeting are not the same plans that were approved by the City, Province and Conservation Authority.

Mr. Reg Wheeler, Chairman of the Beach Neighbourhood Plan Committee, also appeared before the Committee and agreed that a Public Meeting would be in the best interest of all parties involved.

Alderman Lombardo agreed that discussion on this matter would be premature and that all comments made by outside groups could be made at the Public Meeting.

After some discussion the Committee approved the following recommendation:

> That the Planning and Development Committee authorize a Public Meeting to discuss the proposed Hamilton Beach Neighbourhood Plan and Official Plan Amendment.

ZONING APPLICATIONS

12. **Zoning Application 91-01, G. Filice (In Trust), owner, for a change in zoning from "AA" to "C" for land municipally known as 987 Upper Paradise Road; Falkirk East Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 7, from the Commissioner of Planning and Development, respecting the above-noted matter.

Hearing no objections or comments from the Public with respect to this Zoning Application, the Committee approved the following recommendation:

> That approval be given to Zoning Application 91-01, Gino Filice, in trust, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for single-family dwellings, for property located at 987 Upper Paradise Road, as shown on the attached map marked as Appendix "B", on the following basis:
>
> (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
>
> (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-27D and W-27E for presentation to City Council; and,
>
> (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

13. **Zoning Application 90-88, 775751 Ontario Inc. (J. Paisley), prospective owner, for changes in zoning from "AA" and "C" to "HH" for lands municipally known as 1425 and 1429 Upper James Street; Ryckman's Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 2, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Hearing no objections or comments from the Public with respect to this Zoning Application, the Committee approved the following recommendation:

That approval be given to amended Zoning Application 90-88, 775751 Ontario Inc. (John Paisley), prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District for Block "2" to permit development of Blocks "1" and "2" for a commercial plaza with the adjoining lands to the south and east, for property located at 1425 and 1429 Upper James Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to Blocks "1" and "2", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of Blocks "1" and "2" until a site plan is approved incorporating these lands with the lands to the south and east.

Removal of the holding restriction shall be conditional upon the approval of a site plan incorporating Blocks "1" and "2" with the adjoining lands to the south and east.

(b) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;

(c) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial - Holding) District;

(d) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

(i) That notwithstanding Section 14A(3)(a) of By-law No. 6593, a front yard of not less than 24.0 m shall be provided and maintained;

(ii) That a landscaped area of not less than 3.0 m in width, excluding vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance;

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1242, and the subject lands on Zoning District Maps E-9C and E-9D be notated S-1242;

(f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9C and E-9D for presentation to City Council; and,

(g) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

14. **Zoning Application 91-32, M. O. Velenosi, owner, for a change in zoning from "B" to "C" for property at 82 Christie Street; Kennedy East Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 13, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Report of the circularization was given by Mr. Paul Mallard and the Committee was informed that 52 notices were mailed out, 7 were received in favour and 4 were received in opposition.

Ms. Mary Velenosi, addressed the Committee with respect her Zoning Application and requested consideration of approval for the Application.

Mr. Antonio DePasquale, 79 Alderman Drive, expressed his concern that the creation of small lots and additional housing on each of the corner lots in the sub-division will create a townhouse affect, and was concerned that the value of his property would be decreased. Mr. DePasquale submitted a letter to the Secretary outlining all of his concerns and the Secretary read the same to all Committee members.

After considerable discussion, the Committee and the owner agreed that the recommendation should be amended to include that the subject parcel of land to be built on should be changed to "C" zoning to create one additional lot and that the remaining parcel of land remain "B" zoning. The Committee approved the following as amended:

That approval be given to Zoning Application 91-32, Mary O. Velenosi, owner, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for Block "1", and for a modification to the "B" (Suburban Agricultural and Residential, etc.) District regulations for Block "2", to permit the creation of one single-family dwelling lot, for property located at 82 Christie Street, shown as Blocks "1" and "2" on the attached map marked as Appendix "D", on the following basis:

(a) That Block "1" be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

(b) That the "B" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special provisions:

(i) That notwithstanding Section 8(3)(i), a front yard depth of at least 9.5m (31.17 feet) shall be provided and maintained on Christie Street; and,

(ii) That notwithstanding Section 8(4), a lot area of at least 1,055 square metres (11,356.3 square feet) shall be required.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1243, and that Block "2" on Zoning District Map W-9E be notated S-1243;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

15. **Zoning Application 90-96, Rymal Square Developments Inc., owner, for a change in zoning from "C" to "RT-20" for land in the area north of Rymal Road East and east of the Hydro right-of-way; Butler Neighbourhood.**

The Committee was in receipt of a report dated 1991 July 31, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Andy Robertson appeared before the Committee and submitted to the Secretary a copy of a letter dated 1991 August 16, from Mr. Earl Skinner, 557 Rymal Road East, requesting that this Item be tabled to give him an opportunity to appear before the Committee and comment on the above-noted Zoning Application.

Alderman Merling informed the Committee that he recently met with Mr. Skinner, who expressed concern that his business would be adversely affected by this new development. Alderman Merling added that any problems with respect to the Zoning Application were resolved with Mr. Skinner and that the Committee should proceed with this Zoning Application.

Mr. Arthur Weisz, Rymal Square Developments Inc., appeared before the Committee and requested consideration of approval of the application.

Alderman Merling suggested that the Developer be requested to co-operate with adjoining property owners, and that their development be shielded against Mr. Skinner's property.

After much discussion, the Committee amended the staff recommendation to require a visual barrier between Mr. Skinner's property and the new development and the Committee approved the following amended recommendation:

(A) That approval be given to amended Zoning Application 90-96, Rymal Square Developments, Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified, for property located on the north side of Rymal Road East and east of the Hydro Right-of-Way, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

(b) That the "RT-20" (Townhouse-Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

(i) That a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the entire northerly lot line;

(ii) That a minimum 3.0 m wide landscaped planting strip and a minimum 1.2 m to 2.0 m high visual barrier shall be provided and maintained along the southerly and westerly side lot lines of the subject lands which adjoin the residential property municipally known as No. 557 Rymal Road East.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1240, and the subject lands on Zoning District Maps E-27D and E-27E be notated S-1240;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27D and E-27E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(f) That the approved Butler Neighbourhood Plan be amended on the following basis:

(i) That the subject lands be redesignated from "Single and Double Residential" to "Attached Housing";

(ii) That the proposed road alignment, as indicated on Appendix "F", be deleted;

(iii) That the sixty-six foot wide walkway, as indicated on Appendix "F", across the Ontario Hydro Right-of-Way, be added to the Neighbourhood Plan;

(B) That the applicant submit an application to the Region for approval of a revision to the draft approved plan of subdivision (Rymal Square Estates 25T-89022) to bring the present draft approved subdivision plan into conformity with the recommended zoning.

(C) That the amending By-law not be forwarded for passage by City Council until the applicant has entered into an agreement with the City, to the satisfaction of the City Solicitor, for the contribution of the sum of $10,000.00 to be made to the City for landscaping of City lands adjoining the northerly lot line of the applicant's lands.

16. **City Initiative 91-B, for a modification to the "E-3" District regulations for properties at 109, 111 and 123 Charles Street and 122 and 124 MacNab Street South and a further modification to the "E-3" District regulations for 126 MacNab Street South; Durand Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 12, from the Commissioner of Planning and Development, respecting the above-noted matter.

The Committee was also in receipt of a letter of submission from Mr. E. Allen, 155 Park Street South, Apt. 412, expressing concerns that this Zoning Application would lead to further congestion on Park Street.

Reverent John Johnston, MacNab Street Presbyterian Church, appeared before the Committee to support the MacNab-Charles Heritage District Plan. However, Reverent Johnston raised a number of concerns respecting the inclusion of a Beauty Salon and Barbershop/Hairdresser in the Heritage District, and questioned whether the By-law could be amended to delete the same, and also to eliminate the display of books on the sidewalk by a local Book Store.

Mr. Ron Weinberger, appeared before the Committee representing a business affected by the Heritage District, and informed the Committee that the owner wishes to include a water-treatment centre in the District, and questioned whether this use would be permitted under the By-law. The Committee agreed that this use would fall under the Professional and Medical Offices use and would be permitted. After considerable discussion, the Committee amended the staff recommendation and approved the following:

(A) That approval be given to Official Plan Amendment No. 102 to establish a Special Policy Area to permit limited commercial uses within the existing buildings, for properties located at 122-126 MacNab Street South and 109, 111, and 123 Charles Street and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That approval be given to City Initiative 91-B for a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit limited commercial uses within the existing buildings, for properties located at 122-126 MacNab Street South and 109, 111, and 123 Charles Street, as shown on the attached map marked as Appendix "G", on the following basis:

(a) That By-law No. 87-29 be repealed in its entirety.

(b) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 11C(1) of By-law No. 6593, the following commercial uses shall be permitted only within the buildings existing on the date of the passing of the By-law:

(1.) professional and medical offices;
(2.) art gallery;
(3.) book store;
(4.) opticians' offices;
(5.) optometrists' establishments; and,
(6.) photographer's or artist's studio.

(ii) That notwithstanding Section 11C(1) of By-law No. 6593, the following accessory use to the commercial uses referred to in subclause (i), shall be permitted:

One business identification sign that is a ground sign, wall sign or projecting sign that complies with all of the following requirements;

(a) The area of the sign shall not exceed 0.4 m^2;

(b) The sign shall be non-illuminated or illuminated by non-flashing, indirect, or interior means only;

(c) No sign shall be situated less than 1.5 m from the nearest street line;

(iii) That notwithstanding Section 18A, no required parking and no non-required parking shall be permitted in the front yard;

(iv) That the outside display of goods or wares shall be prohibited for commercial uses within the District.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1239, and that the subject lands on Zoning District Map W-5 be notated S-1239;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-5 for presentation to City Council;

(e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 102 by the Regional Municipality of Hamilton-Wentworth; and,

(f) That the approved Durand Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Commercial and Apartments - Heritage Conservation District".

17. **Zoning Application 91-24, Bakado Enterprises, owner, for a change in zoning from "C" to "H" modified for property at 674 Upper James Street; Bonnington Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 12, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Joe Castalano and Mr. Frank DeLorenzas, agents for the owner, appeared before the Committee and requested consideration of approval of the Zoning Application to permit an orthopedic supply outlet within the existing dwelling.

Alderman Don Drury, informed the Committee that neighbours on both corners are in favour of the Zoning Application. After considerable discussion, the Committee did not approve staff's recommendation to deny the Zoning Application, however, recommended approval subject to the appropriate site plan control conditions as determined by the Commissioner of Planning and Development. The Committee approved the following:

(A) That approval be given to Official Plan Amendment No. 101 to redesignate property located at 674 Upper James Street from "Residential" to "Commercial" and to establish a "Special Policy Area" to permit only an orthopedic supply store within the existing building, and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That approval be given to Zoning Application 91-24, Bakado Enterprises, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for property located at 674 Upper James Street, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;

(b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;

(i) Notwithstanding Section 14(1) of By-law No. 6593, only the following uses shall be permitted only within the building existing at the date of passing of this by-law.:

(1.) Residential Uses:

(a) Single-family dwelling;

(b) One dwelling unit in the same building with a permitted commercial use.

(2.) Commercial Use:

(a) Orthopedic supply store.

(3.) Accessory Use:

(a) A wall, ground or projecting sign that complies with the following requirements:

(i) no sign shall exceed 1.2 metres in vertical dimension or 2.2 metres in area; and,

(ii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

(ii) No extensions or enlargements of the building existing at the date of the passing of the By-law shall be permitted;

(iii) Notwithstanding Section 18A(1) of By-law No. 6593, the following parking requirements shall be provided and maintained:

(1.) one space for each dwelling unit;

(2.) one space for every 31 m^2 of floor area for all other permitted uses;

(iv) A landscaped strip not less than 1.5 m in width shall be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use;

(v) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use;

(vi) All lighting facilities at the rear of the property shall be so installed and maintained as to ensure that the light is deflected away from all adjacent residential uses;

(vii) In the event that the existing building is destroyed or demolished, it may be replaced only by a building having the same external dimensions as the building which it replaces and the replacement building shall not have more than two storeys plus a basement.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1241, and the subject lands on Zoning District Map W-8 be notated S-1241;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-8 for presentation to City Council;

(e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 101 by the Regional Municipality of Hamilton-Wentworth;

(C) That Schedule "A" to By-law No. 79-275, as amended by By-law No. 87-223, respecting Site Plan Control, be further amended by adding the subject lands.

(D) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan.

18. **Zoning Application 90-74, A. Biggs, owner, for a modification to the "D" District regulations for property at 49 Holly Avenue; Industrial Sector "E".**

The Committee was in receipt of a report dated 1991 August 2, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. & Mrs. Biggs, owners, 49 Holly Avenue, appeared before the Committee and informed the Committee that they have applied for this Zoning change to permit a two-family dwelling so that their daughter and son-in-law could live in an apartment in their home. After some discussion, Alderman Wilson requested that this matter be tabled until the next meeting, in order to give him an opportunity to meet with the property owners to discuss this matter further. The Committee agreed and recommended the following:

That Zoning Application 90-74, requesting a modification in Zoning for 49 Holly Avenue, be tabled until the next meeting to give Alderman Wilson an opportunity to meet with the property owners.

19. **Proposed Allison Neighbourhood Plan.**

The Committee was in receipt of a report dated 1991 July 3, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. David Godley, Planning Department, made a presentation to the Committee and highlighted the proposed Allison Neighbourhood Plan. Mr. Godley added that the Planning Department has incorporated many of the comments made at the Public Meeting into the proposed plan.

At that moment, Alderman Drury assumed the Chair.

Mrs. Menscy, 94 Aldercrest, expressed her support for this Zoning proposal.

Mr. Logan, Planning Consultant, representing Mr. Jim Young, 1731-1735 Upper James Street, indicated that the use within the individual buildings in the areas should be secondary to the style of the area. Mr. Logan also added that he would like to see retail in this area.

Mr. John Parente, Solicitor, representing the owners of the undeveloped lands, informed the Committee that he submitted plans at an earlier Public Meeting which provided for a Park in a more centralized location. Mr. Parente also suggested that the bus turning-loop would better be located in the Cemetery area. Mr. Godley, Planning Department informed Mr. Parente that much discussion has taken place with the H.S.R. and it has been determined that the area indicated on the plans for the Park and the bus turning-loop would be the best location.

Mr. Hart, 6 Lister, appeared before the Committee and stated that he appreciated the Planning Department's response to the Public Meeting and supports the plans for the proposed area.

Alderman Gallagher and Alderman Merling, Aldermen for the Ward, indicated that they have worked with the Neighbourhood on this matter and hoped that the Committee would support this proposal unanimously.

After much discussion, the Committee approved the following recommendation:

(a) That approval be given to Official Plan Amendment No. 100 to implement the Allison Neighbourhood Plan by redesignating lands located south of Rymal Road East, east of Upper James Street, from "Residential" to "Open Space" on Schedule "A" - Land Use Concept and by deleting Upper Wellington Street, (from Rymal Road to the City limits) from Schedule "F" - Major Roads, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That the proposed plan and policies for the Allison Neighbourhood, attached to the report and marked Appendix "I", be adopted by Council.

20. **Zoning Application 91-26, Rymal Square, owner, for a further modification to the "G-4" District regulations for property municipally known as 30 Rymal Road East; Allison Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 15, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Paul Mallard reported on the circularization of the Zoning Application and informed the Committee that 71 notices were mailed, 5 were received in favour and 9 were received in opposition.

Mr. Wannop, agent for Rymal Square, informed the Committee that this fast food restaurant would generate the same amount of traffic as the fast food restaurants proposed at 30 Rymal Road East, and circulated photographs that he had taken of the traffic situation in the area. Mr. Wannop also presented a letter of submission dated 1991 August 20, to the Secretary.

Mr. Manceni, applicant, informed the Committee that he has spoken with the area store owners and indicated that they seem to be in favour of this proposal.

Mr. John Davidson, 39 Ryckman, spoke in opposition to this Zoning Application and stated that the creation of a submarine shop and donut shop would cause even greater traffic congestion than the area presently has.

Mr. Norman Haze, 79 Lister Avenue, indicated that the area already has 2 donut shops and suggested that the Zoning Application be denied.

Janet MacLennen, 148 Rymal Road, indicated that traffic is a major concern and that 6 accidents have occurred in the past 3 months in this area.

After much discussion, the Committee approved the following recommendation:

That Zoning Application 91-26, Rymal Square, owner, requesting an Official Plan Amendment to delete Special Policy Area 46 and a further modification to the established "G-4" (Designed Neighbourhood Shopping Area) District regulations, to permit a submarine shop having a gross floor area of 120.8 m^2 (1,300 sq.ft.) and a donut shop having a gross floor area of 278.7 m^2 (3,000 sq.ft.) within the existing plaza, located at 30 Rymal Road East, as shown on the attached map marked as Appendix "J", be denied for the following reasons:

(a) That it conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan which prohibit high traffic generating type uses (i.e. restaurants, place of assembly, etc.);

(b) That it conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,

(c) That approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

FINANCE AND ADMINISTRATION COMMITTEE

10. Residential Identification - Placement of Residence Numbers on Telephone/Hydro Poles.

The Committee went back to Item 10, given that a representative of Hamilton Hydro was now in attendance to address this matter.

The Committee was in receipt of a report dated 1991 July 26, from the Secretary of the Finance and Administration Committee, respecting the above-noted matter.

The Committee was informed that the Finance and Administration Committee at its meeting held 1991 July 25, referred the request from the Taxi Advisory Committee to consider the placement of residence numbers on Hydro poles to the Planning and Development Committee.

Mr. Paul Brown, Hamilton Hydro, was requested to attend the Planning and Development Committee meeting to determine if this undertaking would be feasible. Mr. Brown indicated that at present only traffic signs are permitted on Hydro poles and that anything affixed to their poles would have to be approved by the Commission.

Mr. Roland Karl, Traffic Department, informed the Committee that Alderman Copps has already requested the Region's Engineering Services Committee to investigate the inclusion of house numbers on street signs.

Questions were raised as to why this Item had been referred to the Planning and Development Committee and both the Committee and staff agreed that this Item falls under the jurisdiction of the Transport and Environment Committee and approved the following:

That the Transport and Environment Committee be requested to consider the placement of residence numbers on Hydro poles.

ADJOURNMENT

There be no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN FRED LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

C. J. Coutts
Secretary
1991 August 21

B

FOR ACTION

REPORT TO: Ms. Charleen Coutts, Secretary
Planning & Development Committee

FROM: Mr. Len King
Building Commissioner

DATE: 1991 August 19
DEPT FILE: HARP 343

AUG 28 1991

SUBJECT: Hamilton Rehabilitation Programme (H.A.R.P.)

RECOMMENDATION:

That the following Hamilton Rehabilitation Programme (H.A.R.P.) application be approved:

(a) Diana & Gerald Crewe
13 Albemarle Street

NOTE: The actual amount of grant or loan to be determined by inspection of the property under Property Standards By-law 74-74, and pursuant to By-law 78-133 for the Hamilton Rehabilitation Programme (H.A.R.P.).

Len King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

For the information of the members of the Committee, the total number of applications to date processed under the Hamilton Rehabilitation Programme is three hundred and forty-three (343).

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
— RECOMMENDATION —

C

DATE: 1991 September 9

REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
403 Sherman Avenue North

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 403 Sherman Avenue North.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "K" (Heavy Industrial, etc.)

PRESENT USE: Single Family Dwelling (vacant)

PROPOSED USE: Alpha Residential Enclave Clearance Program

BRIEF DESCRIPTION: 2-1/2 storey brick dwelling in very poor condition.

It is the intention of the City to demolish the existing single family dwelling as the property is required for the Alpha Residential Enclave Clearance Program. Lot size 20.08' X 90.00'.

The owner of the property as per the demolition permit application is:

Corporation City of Hamilton
Property Department
Attention: Real Estate Division
Telephone: 546-2738

91.2.4.2.1.A

D

CITY OF HAMILTON
— RECOMMENDATION —

DATE: 1991 September 9

REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1258 Upper Wentworth Street - Tag Number 84402

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1258 Upper Wentworth Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban protected residential, etc.)

PRESENT USE: Single Family Dwelling (vacant)

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey wood frame metal clad dwelling in fair condition.

It is the intention of the owner to demolish the existing single family dwelling and propose a new single family dwelling. Lot size 251.92' X 435.00'.

The owner of the property as per the demolition permit application is:

Luciano Scornaienchi
177 Annabelle Street
HAMILTON, Ontario
L9C 3T8 Telephone: 383-0495

91.2.4.2.1.A

E

FOR ACTION

REPORT TO: Ms. C. Coutts, Secretary
Planning & Development Committee

DATE: September 3, 1991

FROM: Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: HERITAGE 79

SUBJECT: City of Hamilton Heritage Programme -
172-176 Locke Street South, Hamilton

RECOMMENDATION:

That an increase of one thousand, and sixty-four dollars ($1,064.) be approved under the Community Heritage Trust Fund for a revised loan amount of nine thousand, one hundred and forty-four dollars ($9,144.) be approved for Mr. H. Ollesch, 172-176 Locke St. S., Hamilton. The interest rate will be six percent, amortized over ten years;

Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1989 August 29. The owners of the designated property located at 172-176 Locke St. S., have applied under the Programme for the restoration of the wooden elements on the exterior facade.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of L.J.L. Exterior Building Cleaning's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of $3,000., and a Community Trust Fund loan in the amount of $9,144. at six percent interest be approved. The monthly payments will be $101.52 amortized over ten years.

The Building Department therefore recommends a total Heritage Loan and Grant in the amount of $12,144.

c.c. R. Camani, Treasury Department

F

FOR ACTION

REPORT TO: Ms. C. Coutts, Secretary
Planning & Development Committee

DATE: September 10, 1991

FROM: Mr. L. King, P. Eng.
Commissioner
Department of Buildings

DEPT FILE: HERITAGE 69

SUBJECT: City of Hamilton Heritage Programme -
27 Bold Street, Hamilton

RECOMMENDATION:

That an increase of one hundred and fifty dollars ($150.) be approved for a Designated Property Grant for a revised grant amount of one thousand, nine hundred and fifty dollars ($1,950.) be approved for Mrs. Roshan Dharsee, 27 Bold Street, Hamilton.

Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the City's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1986 May 13. The owners of the designated property located at 27 Bold Street, Hamilton, have applied under the Programme for the repair and/or replacement of the balcony floors, railings and mouldings.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Pro Plus Painting & Decorating's estimates.

Since the time of approval, additional work was required and has resulted in the increase . The additional work has also been approved by L.A.C.A.C.

It is therefore recommended that a Designated Property Grant in the amount of $1,950.

c.c. R. Camani, Treasury Department

G

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 3

SEP 4 1991

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: SUPPLY, DELIVER AND INSTALL OFFICE FURNITURE, BUILDING DEPARTMENT

RECOMMENDATION:
That a purchase order be issued to The Landmark Group Ltd., Mississauga, in the amount of $57,284.99 plus applicable taxes, to supply, deliver and install Office Furniture in the Building Department, being the lowest acceptable of four quotations received, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed through Renovate Building Department, Administration and PX Divisions, Furniture and Fixtures Account No. CF509141017 5330.

T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Quotation Analysis

CTI Business Interiors, Mississauga	$51,033.48 *
The Landmark Group Ltd., Mississauga	57,284.99
SIL & Associates, Oakville	64,997.02
CTI Business Interiors, Mississauga	73,882.50 *

* Products bid do not meet specifications

GST and PST are extra to prices

I

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 4
S719-69 M.J. Inrig

REPORT TO: Miss Charlene Coutts, Secretary
Planning and Development Committee

FROM: L. D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

SUBJECT:

"SOUTH HILL - Phase 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of $18,500.00 as cash payment in lieu of the 5% land dedication in connection with "South Hill - Phase 2", Hamilton, being the cash requirement under Section 50 of the Planning Act.

The lands of South Hill - Phase 2 are located south of Rymal Road West and west of Upper James Street in the Kennedy East Neighbourhood.

for L.D. Turvey, P. Eng.
Commissioner of Transportation/
Environmental Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs other than incidental staff time costs.

BACKGROUND:

The owner of South Hill - Phase 2 subdivision (Wardpark Developments Limited), will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

Continued ...

"SOUTH HILL - Phase 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

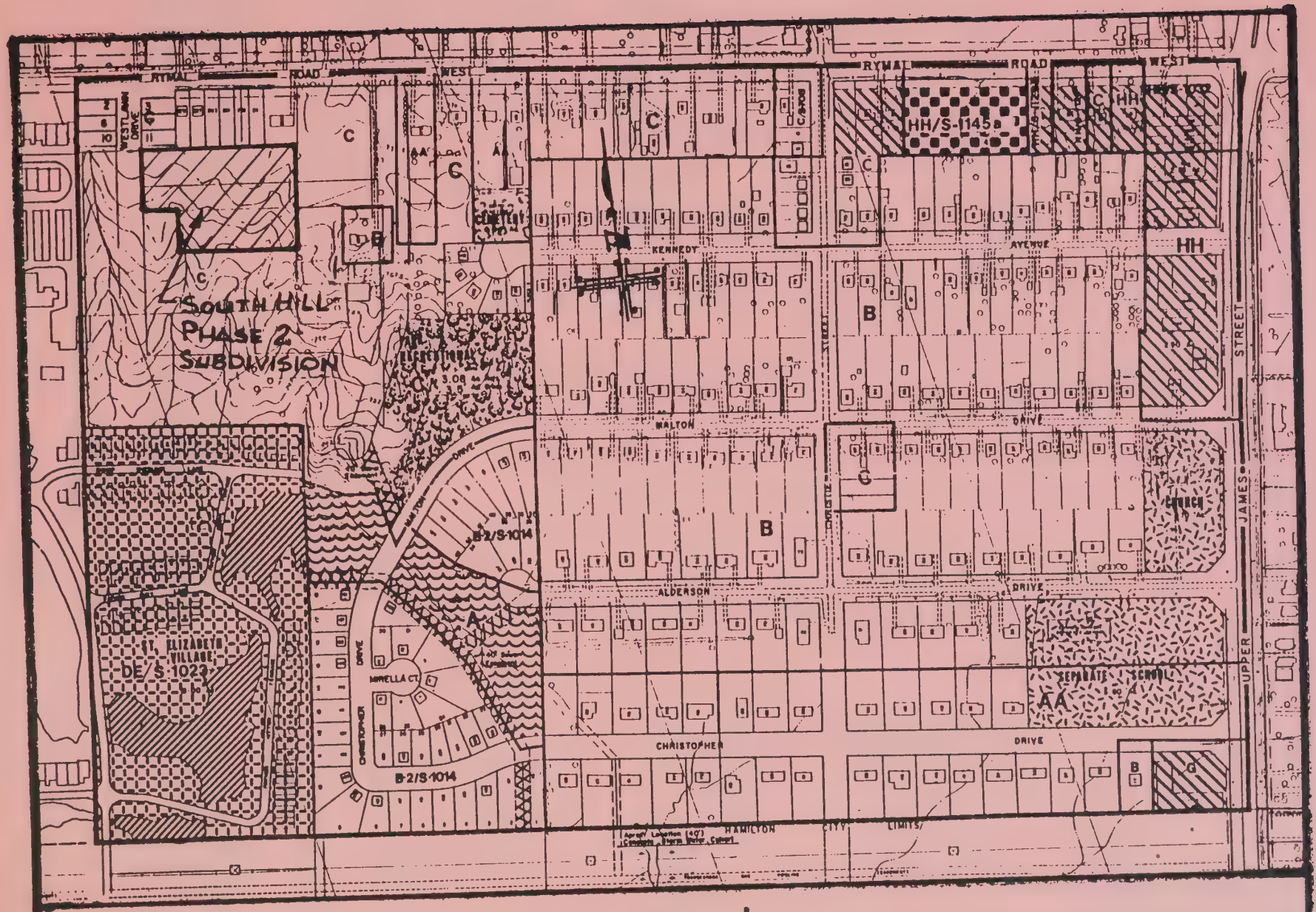
Continued ...

In accordance with normal city policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the subdivision agreement has been calculated at $18,500.00.

MJI:tlj
attach

cc: D. Cobb, City Treasury Department

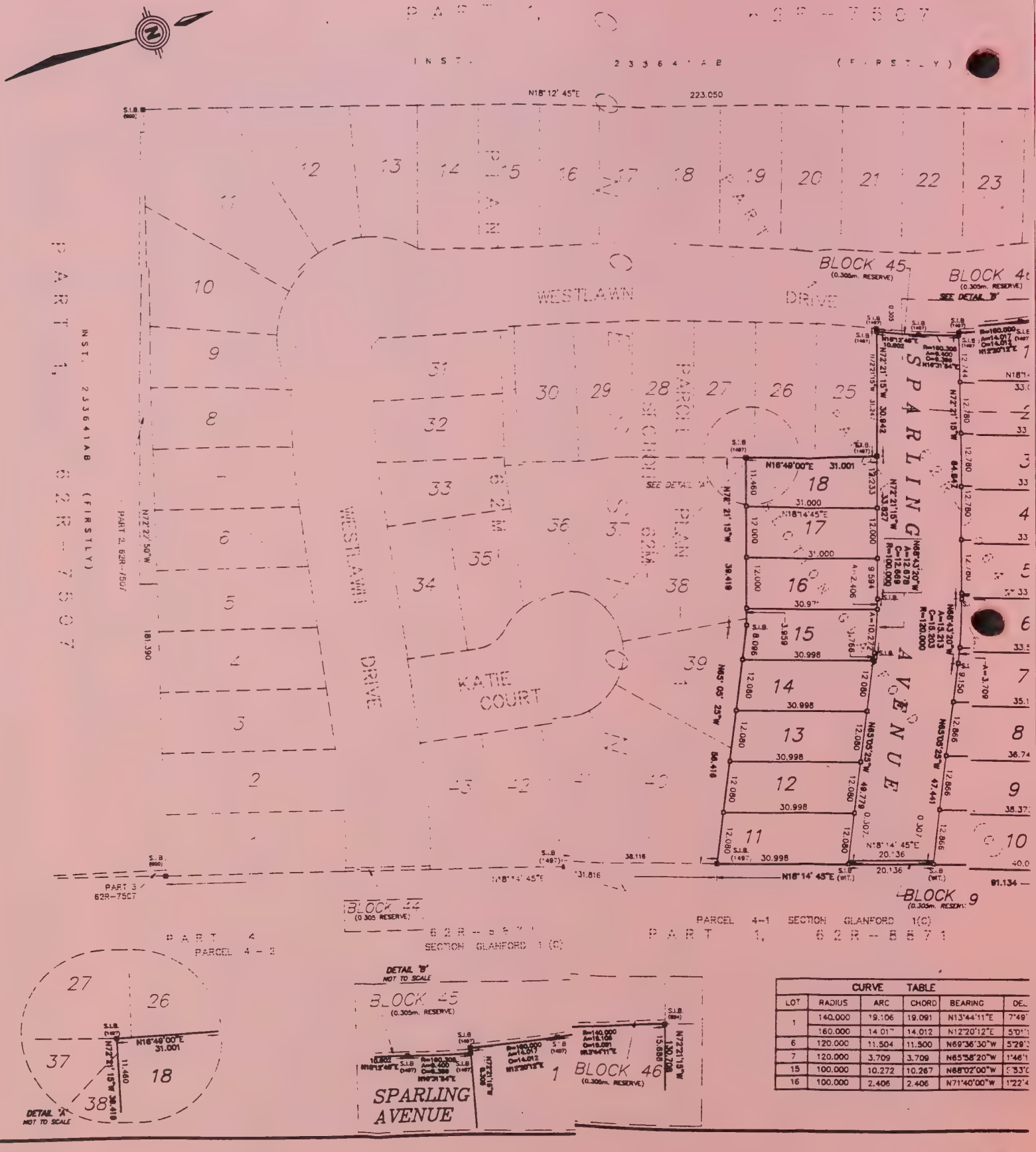


KEY PLAN

N.T.S.

KENNEDY EAST

APPROVED PLAN



CURVE TABLE					
LOT	RADIUS	ARC	CHORD	BEARING	DEL
1	140.000	19.106	19.091	N13°44'11"E	7°49'
	160.000	14.017	14.012	N12°20'12"E	5°01'
6	120.000	11.504	11.500	N69°36'30"W	5°29'
7	120.000	3.709	3.709	N65°58'20"W	1°46'
15	100.000	10.272	10.267	N68°02'00"W	5°53'
16	100.000	2.406	2.406	N71°40'00"W	1°22'

PLAN 62 M–

CERTIFICATE OF REGISTRATION

I certify that this Plan 62M-_____ is registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) at ______ o'clock on the _____ day of ______ 199' and entered in the Register for Parcel _______, Section ________ and the required Consents and Affadavits are registered as Plan Document No. __________ LT

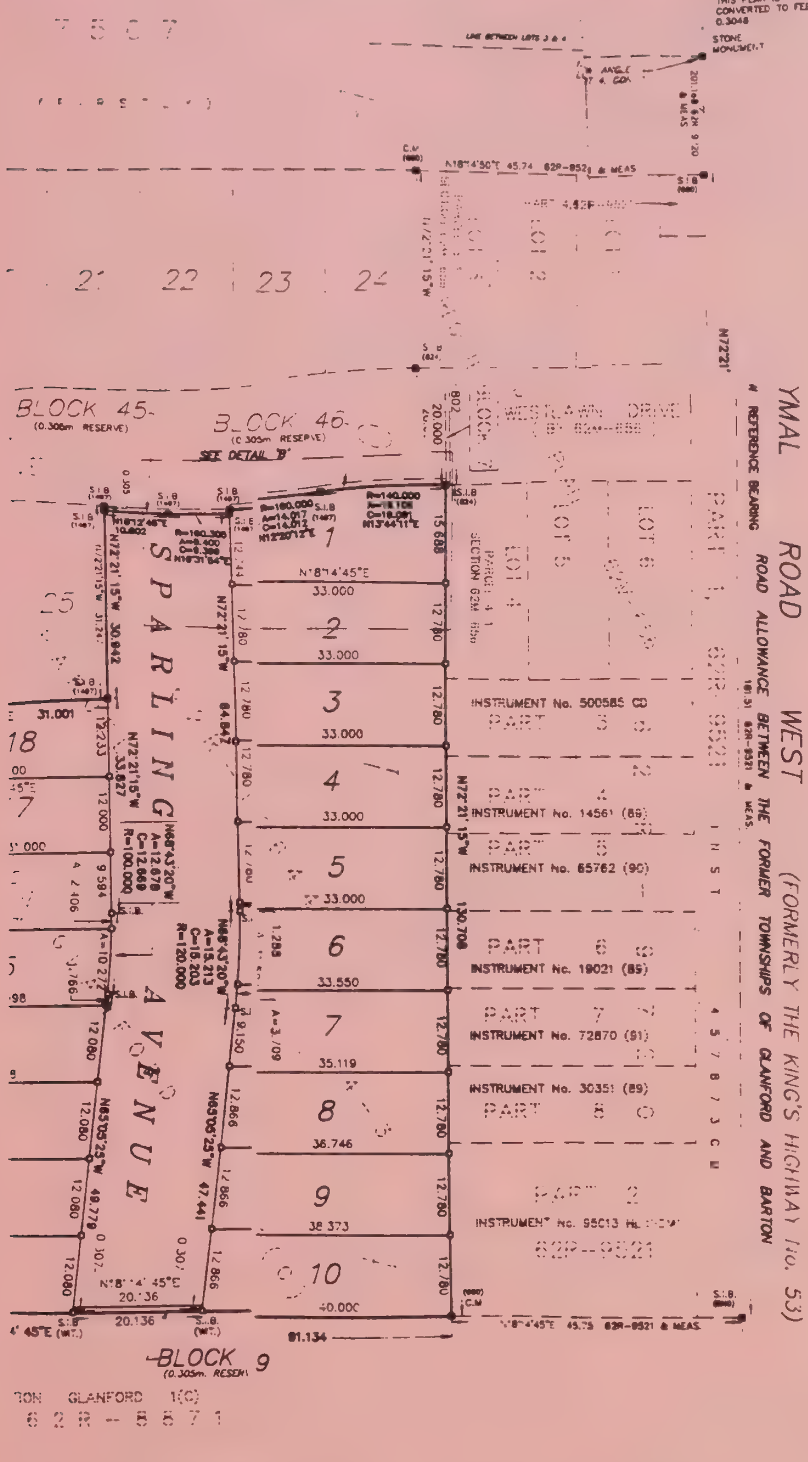
____
LAND REGISTRAR

Approved under Section 50 of the The Planning Act by The Commissioner of Planning and Development of the Regional Municipality of Hamilton-Wentworth, this _____ day of __________ 1991

____
REGIONAL CHAIRMAN
AUTHORIZED BY BY-LAW 85-024

THIS PLAN COMPRISES THE REMAINDER OF PARCEL 4-3 OF PARCEL SECTION GLANDFORD 1(C)

METRIC NOTE:
THIS PLAN IS IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



PLAN OF
SOUTH HILL, PHASE 2
BEING A SUBDIVISION OF
PART OF LOT 4
CONCESSION 1
IN THE FORMER
TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

SCALE 1:500
0 5 10 20 30 40 50 METRES

G.G. ALDWORTH ONTARIO LAND SURVEYOR
1991

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 18 INCLUSIVE, BLOCK 19, BEING THE 0.305m RESERVE, AND THE STREET, NAMELY SPARLING AVENUE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

OWNER: ROBERT SHELLEY CONSTRUCTION LIMITED

________ ________________
DATE

________ ________________
DATE

I HAVE THE AUTHORITY TO BIND THE COMPANY

LEGEND

DENOTES A 25 mm Square, 120 cm LONG IRON BAR
DENOTES A 16 mm Square, 60 cm LONG IRON BAR
C.C DENOTES CUT CROSS
WIT. DENOTES WITNESS
U.O DENOTES UNKNOWN ORIGIN
■ – FOUND □ – PLANTED
C.M DENOTES CONCRETE MONUMENT
DHO – DEPARTMENT OF HIGHWAYS ONTARIO
MMM – MARSHALL, MACKLIN, MONAGHAN LIMITED
600 – S. WOODS O.L.S 824 – A.T. McLAREN O.L.S
1497 – J.P. NOUWENS O.L.S

ALL 0.305m RESERVES HAVE A PERPENDICULAR WIDTH OF 0.305m
ALL 0.305m RESERVES ARE NOT DRAWN TO SCALE

BEARING NOTE

ALL BEARINGS USED HEREIN ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF RYMAL ROAD, WHICH HAS A BEARING OF N72°21'15"W, AS SHOWN ON PLAN 62R-9521

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 24th. OF JULY, 1991

________ ________________
DATE G.G. ALDWORTH
Ontario Land Surveyor

CURVE TABLE

RADIUS	ARC	CHORD	BEARING	DELTA
140.000	19.106	19.091	N13°44'11"E	7°49'10"
160.000	14.017	14.012	N12°20'12"E	5°01'10"
120.000	11.504	11.500	N69°36'30"W	5°29'30"
120.000	3.709	3.709	N65°58'20"W	1°46'15"
100.000	10.272	10.267	N68°02'00"W	5°53'05"
100.000	2.406	2.406	N71°40'00"W	1°22'45"

AREA & FRONTAGE TABLE

LOT	AREA (Sq. m)	FRONTAGE (m)	LOT	AREA (Sq. m)	FRONTAGE (m)
1	475.1	13.534	11	371.9	12.080
2	421.7	12.780	12	371.9	12.080
3	421.7	12.780	13	371.9	12.080
4	421.7	12.780	14	371.9	12.080
5	421.7	12.780	15	371.2	12.000
6	423.8	12.786	16	372.0	12.000
7	438.4	12.860	17	372.0	12.000
8	459.2	12.866	18	367.2	12.010
9	480.0	12.866	BLOCK 19	6.1	
10	500.8	12.866	(0.30m RESERVE)		

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors

201–315 YORK BLVD.
HAMILTON, ONTARIO L8R 3K5
(416) 529–6316
(416) 529–4314
FAX(416) 529–6651

BRANCH OFFICE
15A MAIN STREET EAST
GRIMSBY, ONTARIO L3M 1M7
(416) 945–4580

DRAWN BY M.S.	CALC'D BY M.S.	CHK'D BY GGA
DATE DWG JULY 25th, 1991	FILE No 91121 GR	

J

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 August 27

AUG 2 8 1991

REPORT TO: C.J. Coutts, Secretary
Planning and Development Committee

FROM: B. Carter, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **GARDENERS COTTAGE, 25 TECUMSEH STREET - PROPOSED CITY ACQUISITION**

RECOMMENDATION:

That the Planning and Development Committee be advised of Local Architectural Conservation Advisory Committee's support of the City's proposal to purchase the property at 25 Tecumseh Street, originally the Gardener's Cottage on Sir Allan MacNab's estate as an adjunct to the grounds of Dundurn Castle, as recommended by the Department of Culture and Recreation.

B Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The owner of this property recently died and according to the terms of her will, the City has first option to purchase it.

Both the Parks Advisory Committee and the Hamilton Historical Board are in support of this proposal.

The Research Sub-Committee discussed the matter at its last meeting and strongly supported the proposed purchase by the City of the Gardener's Cottage. It was agreed that the structure would be a valuable addition to the grounds of Dundurn, particularly in view of the City's plans to restore the original landscaping.

The Gardener's Cottage is designated under the Ontario Heritage Act and is therefore eligible for funding from the Designated Property Grant program.

Reasons for designation attached.

Attached

c.c. Mr. R. Sugden, Director of Culture and Recreation
Mr. D.W. Vyce, Director of Property
Mrs. N. Chapple, Planning Department

REASONS FOR DESIGNATION

25 Tecumseh Street

Known as the Gardener's Cottage, the two-storey brick house at 25 Tecumseh Street (formerly St. Mary's Lane) was built in 1856-7 for Sir Allen MacNab's gardener, William Reid. Situated adjacent to Dundurn Park, overlooking Hamilton Harbour, the house originally stood facing the MacNab family burial plot at the north-west corner of MacNab's Survey. Its property included the three northernmost lots on the west side of Inchbury Street (Lots 57, 58 and 59).

Historical Significance

William Reid was hired by Sir Allen MacNab in 1834 to lay out the grounds of Dundurn and to plant and tend his crops and gardens. The building of the gardener's own residence coincided with the landscaping improvements planned for MacNab's estate by George Laing, a Scottish landscape architect engaged in 1856.

The property comprising the brick house and the three lots (with a 200 foot frontage on Inchbury Street) were leased for life to William Reid in 1862, shortly before MacNab's death. Reid lived there for only about five more years but the property remained in the MacNab family until 1907. It was then sold to railway engineer Joseph A. Nelligan who subdivided it, selling the Gardener's Cottage in 1911 to Thomas J. Baker, father of the present owner.

Architectural Significance

The Gardener's Cottage represents a distinctive pre-Confederation vernacular house type, of which there are relatively few surviving examples in the Hamilton area. This narrow two-storey, three-bay house features a simple gable roof, parapet end walls with single built-in chimneys, double-hung sash windows (six-over-six paned on the ground floor) with flat-arched lintels, and a central doorway. An unusual feature is the six-over-three paned windows of the second storey.

Designated Features

Important to the preservation of 25 Tecumseh Street are the original features of the north, south and west facades, including but not limited to the brick masonry, the one-storey rear wing, the three chimneys, the original window openings and multi-paned double-hung sash windows, and the flat arch over the front entrance which originally had sidelights and a rectangular transom (removed ca. 1930's).

K

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 August 27

REPORT TO: C. J. Coutts, Secretary
Planning and Development Committee

FROM: B. Carter, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: **PRINCESS ELIZABETH SCHOOL, 235 BOWMAN STREET - DESIGNATION RECOMMENDATION**

RECOMMENDATION:

a) That approval be given to the "Intent to Designate" Princess Elizabeth School as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached hereto as Appendix "A";

b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

B Carter

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Princess Elizabeth School property was sold last month to the Hamilton Hebrew Academy. The building will serve as a Hebrew school. The Academy has requested designation.

Princess Elizabeth School is listed on the City's Inventory of Buildings of Architectural and/or Historical Interest and was evaluated by LACAC at its meeting held 1990 March 26 as being eligible for designation.

c.c. Mr. A. Georgieff, Director of Local Planning
Mrs. N. Chapple, Planning Department

REASONS FOR DESIGNATION

Former Princess Elizabeth School, 235 Bowman Street

Context

The former Princess Elizabeth School at 235 Bowman Street is located on the eastern edge of the residential area of West Hamilton, near the foot of the escarpment. Set well back from the street on its original 3-acre piece of property, this distinctive early 20th century school building is surrounded by open space attractively landscaped with grass, shrubbery and mature trees. The school and its setting are enhanced by a panoramic view of the escarpment to the south and south-east.

Architectural Significance

The original West Hamilton School, designed by the local architectural firm of Warren & McDonnell and erected in 1922, was a one-storey steel and reinforced concrete structure clad in rug brick and Indiana limestone with four classrooms built around a central auditorium. In anticipation of future increases in pupil enrolment, the original building was designed to be enlarged first by a second storey providing five additional classrooms (built in 1930) and later by a rear addition, which was never built. Considered to be specialists in school architecture, F.W. Warren and the partnership of Warren & McDonnell designed a number of schools in the Hamilton area and throughout the province. Two known extant buildings which stand out for their size and architectural distinction are the W.H. Ballard School in Hamilton's east end, reputedly "the largest public school in Canada" when it opened in 1923, and the Elizabeth Zeigler School in Waterloo, opened in 1931.

Ranking among Hamilton's finest early 20th century school buildings, Princess Elizabeth is one of several outstanding examples of the Collegiate Gothic style: also worthy of mention are Memorial School (1919), Delta Collegiate (1924), Cathedral Boys' High School (1928), Westdale Secondary School (1930), and McMaster University's five original stone buildings (1931).

Characteristic Collegiate Gothic features of Princess Elizabeth include the emphasis on horizontal lines (accentuated by its low profile and stone banding) and the prominent central entrance with carved stone Gothic detailing. The original cut stone entrance features a Tudor-arched doorway, double arched wood doors, and a rib moulding over the doorway sprung from two carved figure heads. The turreted frontispiece of the second storey addition designed by F.W. Warren is crowned by a crest displaying the symbol of learning: an open book.

The building appears to have been designed to appeal to children: noteworthy in this regard are its inviting scale, the fanciful quality of its architectural detail, and the natural light and views provided by the large multi-paned classroom windows reaching almost to the floor. The architectural integrity of the exterior is remarkable: except for minor alterations to the two side entrances and the replacement of the original carved stone West Hamilton School sign, the three main facades (north,

south and west), including the original front entrance doorway and the windows, have been preserved intact.

Princess Elizabeth was one of relatively few early 20th century public schools in Ontario planned with the classrooms located around a central auditorium lit from above, a feature of only two other Hamilton schools: Memorial and W.H. Ballard. Described at the time of the school's opening as "the showroom" of the building, the original auditorium was a spacious, 2-storey multi-purpose hall designed to accomodate assemblies, indoor sports and athletics, concerts and lectures, and various other school and community activities. Its impressive interior space was illuminated by a large central skylight and featured a coved ceiling with a grid of twenty amber glass panels diffusing the light from above. The auditorium space was modified in 1930 by the addition of the second storey classrooms and corridor forming an open cantilevered balcony around three sides, and was further altered in 1971 by the enclosure of this balcony by a solid partition wall with small windows and the consequent obscuring from view of the ceiling cornice at the ground floor level.

Historical Significance

Built to accomodate children from the village of West Hamilton, the original West Hamilton School was commissioned by the Wentworth County Board in response to ratepayers' demands for a new facility to relieve the overcrowding at Binkley, the only public school then serving a large area encompassing the village. Originating as a small suburban survey opened in 1908 and bounded by the Dundas Road, the escarpment, the Rifles Ranges and Bowman Street, West Hamilton had by the 1920s grown into a thriving community with numerous stores and businesses.

West Hamilton School came under the jurisdiction of the Hamilton Board of Education in 1930, when the village was annexed by the City, and was doubled in size the same year. Renamed Princess Elizabeth School in 1940, the building served as a public school until 1983, when all of its pupils were transferred to Prince Philip School on Rifle Range Road. Leased for seven years to the Wentworth Montessori School, the building was purchased in 1991 by the Hamilton Hebrew Academy for use as a seminary.

Designated Features

Important to the preservation of the former Princess Elizabeth School are the original features of the west (front), north and south facades, and on the interior: the entrance hallway, two original stairways, corridors and auditorium. Included is the decorative stonework, the original steel-sash windows and wood doors (interior and exterior), the coved ceiling and skylight of the auditorium, the glazed wall tile and original woodwork. Excluded are the rear wall and the modern fire-rated partition walls enclosing the balcony and stairwells.

2

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 10
S723-37 M.J. Inrig

REPORT TO: Miss Charlene Coutts, Acting Secretary
Planning and Development Committee

FROM: L. D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

SUBJECT: **Wellington Chase and Separate School Board Land Exchange - Parkland Credit, Hamilton**

RECOMMENDATION:

That the request from Wellington Chase Inc., for the transfer of 5% parkland credit (756.996 m^2 of approximately $33,000 value) to facilitate a land transfer between Wellington Chase Inc. and the Roman Catholic Separate School Board be DENIED, because in the opinion of the Real Estate Division of the Property Department and the Engineering Department, the transfer of parkland credits between two neighbourhoods is not in the public interest.

for L.D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this land exchange.

Cont'd...

Cont'd...

BACKGROUND:

In December 1987, City Council approved the draft plan of subdivision for Wellington Chase, located in the Barnstown Neighbourhood. Within the draft plan for Wellington Chase, there is a parcel of land designated for use as a future Separate School site and this site is known as Block "69" on the Final Plan of Subdivision for Wellington Chase - Phase 2, Plan 62M-577.

In the Butler Neighbourhood there is a parcel of land which is currently owned by the Roman Catholic Separate School Board. A portion of the Board's lands are designated as a future Separate School site and the remainder of the lands have been designated for future residential development.

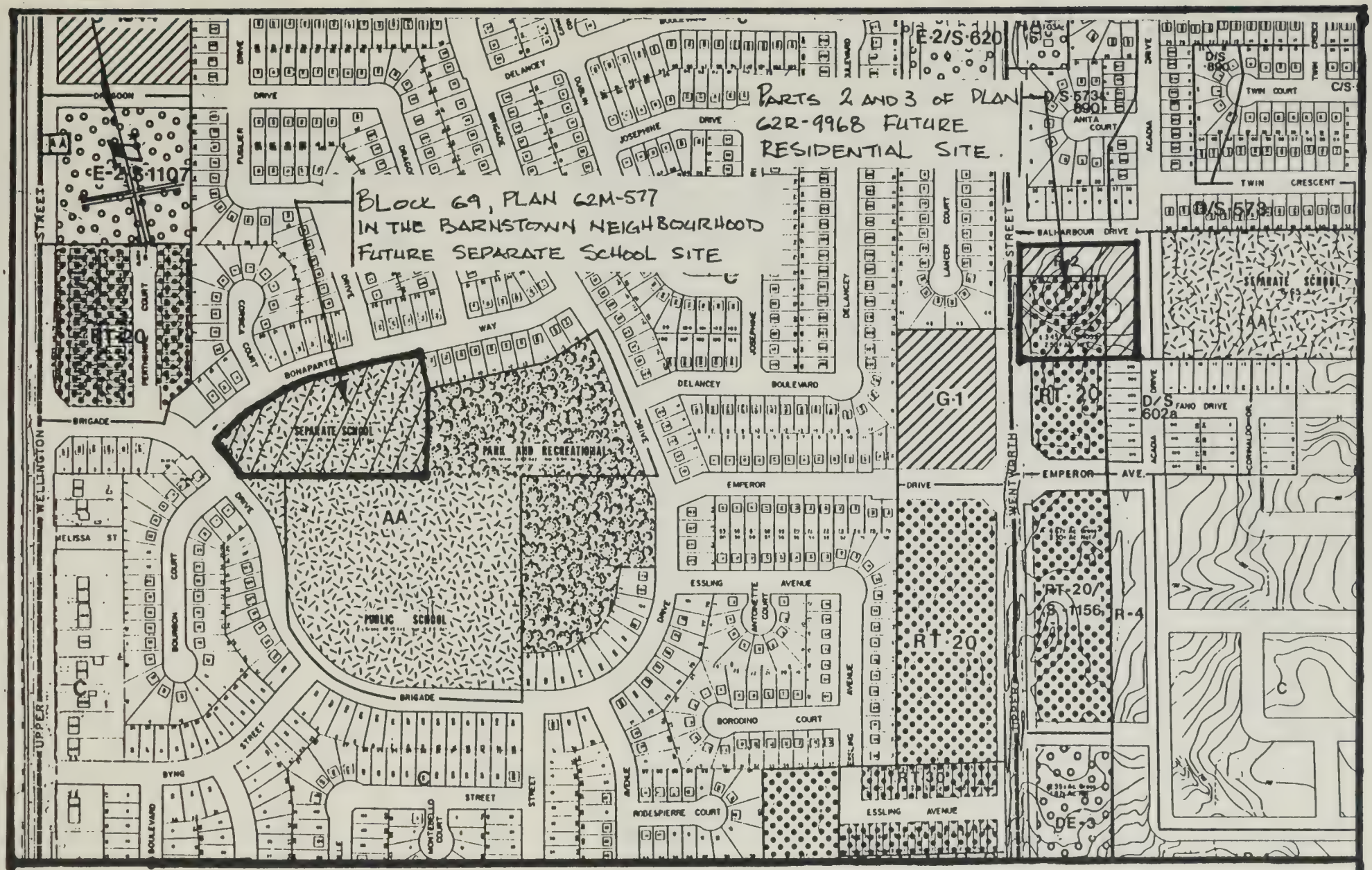
To properly implement both approved neighbourhood plans, the Separate School Board and Wellington Chase Inc. have agreed to exchange lands. The proposed exchange will give Block 69 of Plan 62M-577 in the Barnstown neighbourhood to the Separate School Board and in return Wellington Chase Inc. will receive Parts 2 and 3 of Plan 62R-9968, in the Butler Neighbourhood.

The land exchange between the two Owners will be done on an equal land area for equal land area basis. However, since Block 69 was established under a plan of subdivision, it was subject to a 5% parkland dedication, which was satisfied under the City Subdivision Agreement for Wellington Chase - Phase 2. The 5% parkland requirement is the only inequality between the two pieces of property.

The principals of Wellington Chase Inc. have respectfully requested that they be allowed to transfer the 5% parkland requirement made for Block 69 under Wellington Chase - Phase 2 to the new land they will be acquiring in the Butler Neighbourhood. An exchange of parkland credit in this manner is possible, however, the Real Estate Division of the Property Department does not support the transfer of parkland credits from one neighbourhood to another. Under present City Policy, however, school boards are exempt from the 5% parkland dedication requirement when they develop land, and we therefore recommend that the 5% parkland issue be resolved by the two owners.

MJI:jk

cc: R. Buckle, Chief Appraiser
Real Estate Division, Property Department



KEY PLAN

N.T.S.

BARNSTOWN

BUTLER

3

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 August 22

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

AUG 26 1991

SUBJECT: **Release of Building Covenants**
Altofort Development Inc. (Fortino's)
Hamilton, Industrial Park No. 1
Lot 7 and North Half of Lot 6, Plan M-227
Lancing Drive, Hamilton, Ontario

RECOMMENDATION:

That the Mayor and the City Clerk be authorized to execute the necessary documents to release Altofort Development Inc., Hamilton from the construction covenants to the City as contained in Deed Instrument Numbers 199581 L.T. and 199582 L.T., Lot 7 and the north half of Lot 6, Plan M-227, Part 1, 62R-8630, Lancing Drive registered on May 4, 1987.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 15 of the 1st Report of the Planning and Development Committee, City Council on January 13, 1987 approved the sale of Lot 7 and the north half of Lot 6, M-227 Altofort Development Inc. (Fortino's).

This transaction was completed on May 4, 1987.

Mr. John Fortino is selling their building on Rymal Road and the purchaser from Toronto would like Lot 7 and the north half of Lot 6 for future expansion purposes.

In view of the fact that Altofort Development Inc. which is a company incorporated by Fortino's has surpassed their building covenants on their two adjoining developments and in view of the fact Fortino's has decided to remain in Hamilton (currently located on Glover's Road) this department supports the request of the owner that The City of Hamilton release the construction covenants contained in Deed Numbers 199581 L.T. and 199582 L.T., in order to clear the title.

c.c. Mrs. P. Noé Johnson, City Solicitor

(4504 - 100.68.11/100.68.13)

4

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 10

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Expropriation by City of Hamilton**
211 Brant Street - Mr. Joseph Kusz

RECOMMENDATION:

a) That an Agreement by Owner to Accept Compensation for the property of Mr. Joseph Kusz, executed on September 10, 1991 and scheduled for closing on or before November 30, 1991 be accepted and completed. The subject property being Municipal Number 211 Brant Street, having a total frontage along the northern limit of Brant Street 21.505 metres (70.55 feet) more or less, shown as Part 2 on Expropriation Plan No. 79835, together with all structures erected thereon. The total compensation of $78,000.00 along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structure at 211 Brant Street take place upon closing.

b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

The subject property is located within the Alpha West Residential Enclave. The expropriation and acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north/east part of the City.

On June 27, 1989, City Council authorized the City's application for approval to expropriate the remaining properties in the Alpha West Enclave. Pursuant to this, the expropriation of the property at 211 Brant Street was registered on title April 9, 1991 as Instrument No. 79835.

Attach.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Ms. L. Lawrence
Mr. E. C. Matthews, Treasurer
Ms. L. MacNeil, Property Clerk, Surveys
Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
Mr. L. King, Building Commissioner

(4505)


K
MATCH LINE
INGTON
STREET
EAST
K
DICKSON
PLAN CONTROL
AW 82-12
Subject
Property
GERRARD ST
NORTH
AVENUE
BRANT ST.
PLAN CONTROL
AW 82-14
SHERMAN
BIRCH AVE
BIGGAR
K
NATIONAL
RAILWAY

AGREEMENT BY OWNER TO ACCEPT COMPENSATION

To: The Corporation of the City of Hamilton

I/We Joseph Kusz , hereby agree to accept the sum of $78,000.00 as set out in Schedule "A" hereto attached from The Corporation of the City of Hamilton in full payment and settlement of compensation for all interests in the real property known as Municipal No. 211 Brant Street or Part 2 on Expropriation Plan No. 79835 registered on the 9th day of April 1991 as Instrument No. 79835.

I/We further agree that the aforesaid sum shall include all claims for damages, costs, injurious affection or any other claim whatsoever arising out of the expropriation of the said real property.

I/We agree that the said compensation monies will be subject to the usual adjustments, except for fire insurance premiums, as of the date for closing hereof, namely the 30th day of November, 1991.

I/We acknowledge that I/we have delivered vacant possession of the said lands on November 30, 1991 and that I/we shall also deliver on the date for closing, a deed, discharges of all encumbrances (including Writs of Execution) in existence before or after the Expropriation, and a release in a form satisfactory to you executed by all persons or corporations having any claim to compensation by reason of the said expropriation and a statutory declaration in a form satisfactory to you setting forth the fact that the persons and/or corporations executing the said discharges and release are all those having any claim to compensation.

This agreement is to remain open until acceptance by City Council and is to be read with all grammatical changes made necessary by the gender, number or corporate status.

Dated at HAMILTON this 10 day of SEPTEMBER 1991.

WITNESS:

_____ _____ (L.S.)
JOSEPH KUSZ

_____ _____ (L.S.)

_____ _____ (L.S.)

Solicitor's Name and Address

Richard Skibinski
414 Main Street L8L 4E1
Hamilton, Ontario
L8N 1E7

Mailing Address of Signing Parties

211 Brant Street
Hamilton, Ontario
L8L 4E1

6/26/85

SCHEDULE "A"

Property	Owner's Interest
211 Brant Street (Part 2 Expropriation Plan No. 79835)	Joseph Kusz

Elements of Compensation

Market Value of Realty plus compensation for time out of pocket expenses, loss of income, inconvenience, legal expenses, and all other claims to damages	$78,000.00
TOTAL COMPENSATION	$78,000.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given.

Floor Coverings:	Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.
Electrical Apparatus:	Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.
Plumbing:	Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.
Miscellaneous:	Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is also understood and agreed that the amount of $78,000.00 is full and final payment of all compensation, interest and cost whatsoever which Joseph Kusz might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton of the land and buildings known as 211 Brant Street, Hamilton, Ontario.

Dated at HAMILTON this 10 day of SEPT 19 91

WITNESS:

JOSEPH KUSZ

CITY OF HAMILTON

- RECOMMENDATION -

5

DATE: 1991 September 11

SEP 1 2 1991

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King, P.Eng.,
Building Commissioner

SUBJECT: **"Housing Framework for Ontario" and, "Government Land for Housing".**

RECOMMENDATION:

(a) That, City Council endorse the Association of Municipalities of Ontario's position papers on the Provincial Government's Ministry of Housing Green Papers entitled, "A Housing Framework for Ontario", and "Government Land for Housing"; and,

(b) That, the City of Hamilton request the Province of Ontario to conduct another round of consultations on their "preferred approach" before passing Provincial legislation.

Mr. L. King, P.Eng.,
Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Provincial Government recently released two Green papers related to Housing. The first was titled, "A Housing Framework for Ontario", and the second "Government Land for Housing". These lengthly documents listed various issues and options the Government could follow with regard to the planning and implementation of Housing Programs in both the public and private sectors. The policies also deal with preserving the existing stock, as well as proposals to create new stock. The Government invited responses from all housing providers and provided a deadline of 1991 August 30. The reports were released in June 1991.

During the discussions with the Government, A.M.O. requested an extension to the deadline in order that A.M.O.'s position could be circulated to other municipalities to allow local councils to endorse A.M.O.'s position, or use the Papers as a basis for their submissions. It was also pointed out to the Minister that summer schedules also reduced the opportunity for municipalities to officially respond. The new Minister did not formally extend the deadline, but did agree that they would look at all the responses submitted at least until the end of September.

The two reports were sent to the Association of Municipalities of Ontario, and they were formally asked to repond. A Housing Task Force was established and included on the six member Committe were: Mr. John Robinson, Coordinator of Housing Loans, Building Department, City of Hamilton; Manager Housing Policy, Ottawa; Housing Analyst, Municipality of Peel; Planner, City of Toronto;Director, Peel Non-Profit, and; H. Moscoe, Councillor, Metro Toronto. The Task Force met several times throughout the summer, and a formal A.M.O. position was drafted. The A.M.O. Executive at their meeting held 1991 August 18, endorsed the recommendations and the report was forwarded to the Minister of Housing. A copy of A.M.O.'s reports are attached for review and comment by the Committee.

As indicated, the Green Papers, as drafted by the Province, are very complex and considerable staff time would be needed to review and comment on a clause-by-clause basis. The two Reports, along with A.M.O.'s position, have been reviewed by the City's Planning, Housing and Building Departments and they are recommending endorsement of A.M.O.'s position. The reports have also been sent to the Board of Directors of the Municipal Non-Profit (Hamilton) Housing Corporation, and they may prepare an independent response.

It should be noted that A.M.O. has traditionally supported the administration of Programs at the upper-tier and A.M.O.'s position is reflected in the recommendations. We have not attempted in our review to address this philosophical issue.

The Building Department recommends the acceptance of A.M.O.'s response to the Green Papers on "A Housing Framework for Ontario" and "Government Land for Housing", and recommend support by both the Planning and Development Committee and City Council.

CITY OF HAMILTON

- INFORMATION -

6

DATE: 1991 September 10

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

SUBJECT: 161 Delaware Avenue

BACKGROUND: At the request of Alderman Drury this information is being submitted to the Committee.

An information was laid in By-Law Court for the unlawful use of the premises as a four family dwelling. Four tenants were subpoenaed and served, however only 1 tenant appeared in court.

The tenant that appeared before the courts was unco-operative and indicated he had no knowledge of the use of the remainder of the building.

The evidence presented by the Inspector was insufficient, as determined by the Justice of the Peace, to gain a conviction against the accused without being substantiated by the other three tenants.

The evidence given by the Inspector indicated that from the exterior, the building was in fact being used as a four family dwelling, in that there the rear entrance had three door bells plus a 4th one at the basement entrance. Information was received from the tenants indicating that the building was clearly being used as a four family dwelling. However, because this information was given to our Inspector by the tenants, it is deemed to be hearsay by the courts and cannot be used if the tenants are not present.

Because of these facts, the Justice of the Peace saw fit to acquit the accused.

For the Committee's further information, an application has been made for a zoning change ZA 91-42 for this property and a public hearing is scheduled for October 2nd, 1991.

In discussions with the Law Department, we are advised that because one of the tenants appeared, that no appeal is recommended.

L. C. King, P. Eng.
Building Commissioner

7a

CORPORATION OF THE CITY OF HAMILTOI

MEMORANDUM

****

TO: ✓Miss C. Coutts
Secretary, Planning and Development Committee
City Clerk's Department

FROM: Mr. J. J. Schatz
Deputy City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: SALE OF CITY OWNED LANDS
- GERRARD AND BRANT STREETS TO
PHILLIP ENTERPRISES INC.

DATE: 1991 August 28

Attached please find a letter dated August 14, 1991 from Mr. Andy Robertson, 240 Bendamere Avenue, Hamilton respecting the sale of city owned lands on Gerrard and Brant Streets to Phillip Enterprises Inc. which City Council at its meeting held August 27, 1991 referred to the Planning and Development Committee.

att.

c.c.: Mr. D. W. Vyce, Director of Property
Ms. P. Noe-Johnson, City Solicitor

240 Bendamere Ave.
HAMILTON, L9C 1P5
Tel 389 - 4509
Aug. 14, 1991

Corporation City of Hamilton
City Hall, HAMILTON
L8N 3T4

Re: Sale of City Land to Phillip Enterprises Inc.

Mayor Morrow, Members of Council

I have only recently learned of a decision by Council to sell five parcels of land on Gerrard Street and Brant Street to Phillip Enterprises Inc. The lands are as described and recommended in Item 16 of the ELEVENTH Report for 1991, of the Planning and Development Committee. Your approval was given at the last Council meeting on July 30, 1991.

This land was the subject of some earnest discussion at meeting of the Business Land Use Advisory Board on February 1 1990. At that time there were concerns expressed that the City was acquiring land which would be sold to Phillip Enterprises. The Real Estate Department advised us at that time that "..... lands cannot be sold until the entire site has been assembled...". In a follow up memo they then said "...it is illegal (Municipal Act) for the City to acquire property for any private corporation.....".

To start with the entire site has not been assembled, so that a sale now would be in breach of that covenant.

Further, a sale of these parcels, piece meal, could have serious consequences on the resale value and/or utility of the remaining parts of the assembly, which the City is presently expropriating.

As well, if there is to be any road closing (which is a real possibility) this sale could seriously affect the subsequent value, and/or utility of these lands.

Too, there is the cherished right of all taxpayers to have an equal opportunity to purchase surplus City property. Clearly the public have not been afforded these opportunities and should be, unless there are pressing and public reasons they should not.

Phillip Enterprises were assembling land in this block long before the City came on the scene. It is pretty apparent that if the City had not intervened, Phillips would have bought these parcels in the normal way of the private sector.

The sale price is noted as $268,950.00 for the five parcels. If the City is compelled to sell directly to Phillips without public tender or auction or other competitive means, It should require that Phillips pay all of the City's costs related to the acquisition of these parcels. The sale price as contemplated does not come close to recapturing the actual outlays and, as is so quaintly put, the "opportunity costs".

This deal is not in the best interest of the citizens of Hamilton and I urge you to reject it. The least you can do is to send it back for review.

Andy Robertson

c.c Chairman and members Business Land Use Advisory Board.

CITY OF HAMILTON

— RECOMMENDATION —

7b

DATE: 1991 August 30

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

AUG 30 1991

SUBJECT: **Response to Mr. A. Robinson's letter to City Council regarding the Sale of Land in the Alpha Enclave to Philip Enterprises Inc.**

RECOMMENDATION:

That the letter from Mr. A. Robinson, dated August 14, 1991, be received and no action be taken.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In response to Mr. A. Robinson's letter regarding the sale of land to Philip Enterprises Inc. we wish to respond to each statement made.

a) **"Lands cannot be sold until the entire site has been assembled."**

This statement was made in 1990 when the City still had thirteen (13) properties to be acquired. At the time of our recommendation to sell to Philip Enterprises Inc. (July 30, 1991), we had only three (3) properties to acquire and our Law Department had no problem with the sale of these which amount to 0.09 hectare (0.227 acre).

b) **"Further, a sale of these parcels, piece meal, could have serious consequences on the resale value and/or utility of the remaining parts of the assembly,"**

The attached plan indicates the location of the lands being sold to Philip Enterprises Inc. As they are surrounded by Philip Enterprises Inc. remaining land and integral to their development, the sale of these small parcels will not impact on the City's remaining lands.

c) **"If there is to be a road closure (Brant Street), this sale could seriously affect the subsequent value,"**

This is not true, the road allowance if closed will be sold at Market Value.

d) **"There is the cherished right of all tax payers to have an equal opportunity to purchase surplus City property."**

The location of these parcels and the size of the lands in question would make the City lands unmarketable as industrial lands ("K" zoned).

e) **"Philip Enterprises Inc. were assembling land in this block long before the City came on the scene."**

This is true, however, the City embarked on the Alpha Enclave Clearance Program to clear the residential homes from an industrial area and to assist those home owners to relocate to a better area.

f) **"The sale price is noted as $268,950.00 for five parcels."**

This price far exceeds the current industrial vacant land rate and in fact it would work out to $1,184,800.00 per acre. The price represents the City's actual acquisition costs of the five parcels.

Philip Enterprises Inc. resisted paying this price, initially however, due to their time schedule to build their new 40,000 square foot plant which is going to cost approximately $4,000,000.00, they finally agreed to pay the City's acquisition cost.

g) **"This deal is not in the best interest of the citizens of Hamilton."**

This statement is not true as stated above. The price for the land far exceeds the value of the vacant land and the final product will generate taxes and create jobs for the community.

In summary, Mr. A. Robinson's claims are unfounded.

c.c. Alderman B. Hinkley, Alderman, Ward 3
Alderman D. Drury, Alderman, Ward 3
Mr. Lou Sage, Chief Administrative Officer

Attach.

(4504)



City Lands Sold To Phillips

Phillips Lands

CITY OF HAMILTON

- RECOMMENDATION -

8

DATE: September 10, 1991

SEP 12 1991

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Marvin Sheppard, Chairperson
Durand Neighbourhood Plan Implementation Committee

Marvin R. Sheppard

Marvin Sheppard, Chairperson
Durand Neighbourhood Plan Implementation Committee

SUBJECT:

Traffic Measures in Durand Neighbourhood.

RECOMMENDATION:

1. That the Planning and Development Committee advise the Transport and Environment Committee to consider the following resolutions of the Durand Neighbourhood Plan Implementation Committee concerning proposed traffic measures in the Durand Neighbourhood:

   a) That there be no right turn from northbound on Queen Street to eastbound on Aberdeen Avenue, between the hours of 7:00 a.m. to 9:00 a.m. Monday to Friday, as contained on page 32 of the approved Durand Neighbourhood Plan;

b) That the proposal for two way operation of Queen Street, from Main Street to Garth Avenue, be referred back to Traffic Department for further review, particularly with regard to the impacts of the proposal on the residents of the two adjacent neighbourhoods.

BACKGROUND:

The Durand Neighbourhood Plan - 1987 Update was approved by City Council on January 12, 1988. It was prepared to provide a comprehensive policy framework for development in the Durand Neighbourhood. The Plan addresses desired improvements concerning residential character, traffic flow and parking supply, urban design, etc.

The Durand Neighbourhood Plan Implementation Committee (DNPIC) was established subsequently in May, 1988, to help bring about the recommendations contained in the Plan.

The Implementation Committee and its members have undertaken a number of initiatives concerning traffic and other matters such as helping to organize a public meeting regarding the proposed roadway closure at Markland, west of Bay, held in November of 1990. They have also reviewed other traffic matters contained in the approved Neighbourhood Plan, by means of extensive study and consultation with Traffic Department staff. Many of the measures under study arose from the neighbourhood plan review and are contained in the Durand Plan.

It is understood that the Transport and Environment Committee are anticipated to deal with the turning movement restriction at Queen and Aberdeen, and the two way operation of Queen Street, at their meeting of September 30, 1991. The Traffic Department have indicated that they will be supporting the turning movement restriction. The Implementation Committee are hereby providing their comments concerning these matters, as discussed at their meeting of September 5, 1991.

Another traffic measure that the Implementation Committee has indicated support for is that the section of Markland Avenue, just west of Bay Street, be closed to provide a parkette, for a one year trial period, as contained in the relevant traffic policies of the approved Durand Neighbourhood Plan. The Transport and Environment Committee will have dealt with this matter at its meeting of September 16, 1991.

V.G.:ns
DURAND-3.IMP

9

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 August 23
ZA-91-31; Sheldon Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 193 Stone Church Road West

RECOMMENDATION:

That approval be given to Zoning Application 91-31, Antonio and Sestina Aceti, owners, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of two additional single-family residential lots, for the property known as No. 193 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593 and Zoning District Map W-9C for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, for lands located at No. 193 Stone Church Road West, as shown on the attached map, marked as APPENDIX "A".

The effect of the By-law is to permit the creation of two additional single-family residential building lots fronting onto Stone Church Road West.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On June 26, 1990, the applicant received approval from the Land Division Committee to sever the subject lands (application No. H-109-90). The effect of the severance is to create two new single-family residential building lots. The new lots will have frontages of 15 m and 12.378 m onto Stone Church Road West and areas of 672. 27 m^2 and 554.89 m^2, respectively. The lot with the existing dwelling will have a frontage of 19.866 m onto Stone Church Road West and an area of 1,840 m^2. One of the conditions of approval was that the applicant apply for, and receive, the appropriate rezoning. However, since the applicant has not satisfied all the conditions of approval, within the one year time limit, the severance has lapsed. Consequently, the applicant will be required to reapply for approval of the severance.

APPLICANT:

Antonio Aceti and Sestina Aceti, owners.

LOT SIZE AND AREA:

The subject lands have:

- 47.244 m (155 feet) of lot frontage onto Stone Church Road West;
- 64.922 m (212.999 feet) of lot depth; and,
- 3,067.16 m^2 (33,015.715 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Single-family dwelling	"B" (Suburban Agricultural and Residential, etc.) District
Surrounding Lands		
to the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Vacant land	"C" (Urban Protected Residential, etc.) District
to the east	Single-family dwelling	"C" (Urban Protected Residential, etc.) District
to the west	Single-family dwelling	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL", the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The Sheldon Neighbourhood Plan is currently under preparation. The proposal complies with the intent of the proposed Neighbourhood Plan designation of "SINGLE AND DOUBLE RESIDENTIAL".

It should be noted that Policy D.2.6 of the Official Plan permits infill development in undeveloped Neighbourhoods, prior to the completion of Neighbourhood Plans.

RESULTS OF CIRCULARIZATION:

- The following Agencies and Departments have no comment or objection:

  - Hamilton Region Conservation Authority;
  - Building Department; and
  - Traffic Department.

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service the subject lands.

  Any works which may occur within the Stone Church Road allowance, as widened, must conform to the Region's Road Use By-law.

  The City of Hamilton Traffic Department is to comment on access. To ensure that property line grades are compatible with the pavement elevation of Stone Church Road, we recommend that the elevation of the ground at the property/street line, as widened, be approximately the same as the corresponding centreline elevation of Stone Church Road."

COMMENTS:

1. The proposal complies with the intent of both the Official Plan and proposed Sheldon Neighbourhood Plan.

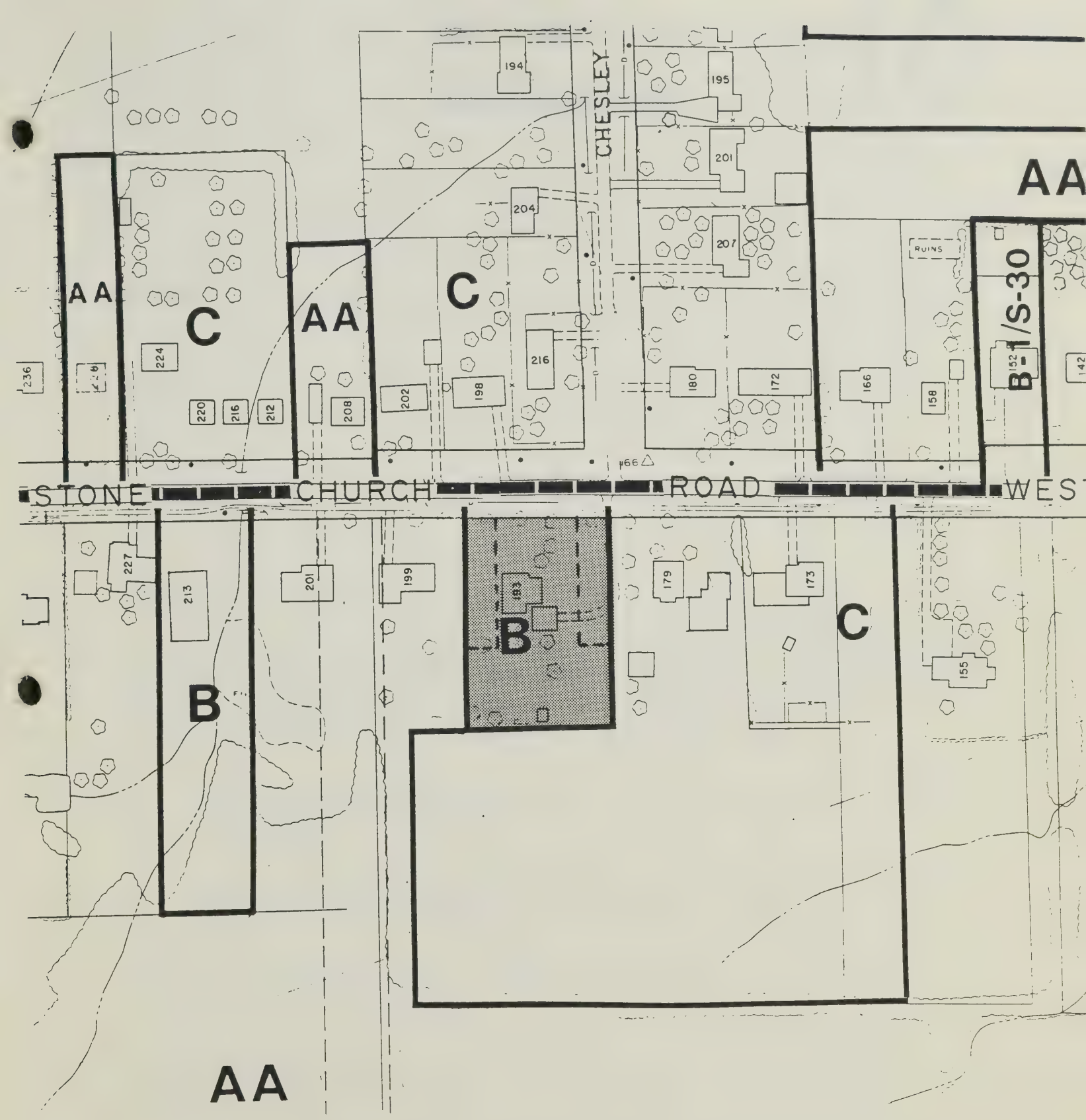
2. The proposal has merit and can be supported for the following reasons:

   - it implements the Official Plan and proposed Sheldon Neighbourhood Plan, which designates the subject lands "SINGLE AND DOUBLE RESIDENTIAL";
   - it is compatible with existing and proposed land uses in the surrounding area;
   - it provides for infill development, in keeping with development in the area.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CLM/ma



Legend

Site of the Application

ZA 91-31

APPENDIX A

CITY OF HAMILTON

- RECOMMENDATION -

10

DATE: 1991 August 28
(ZA-91-38) Sheldon Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - No. 297 Stone Church Road West.

RECOMMENDATION:

That approval be given to Zoning Application 91-38, Fred and Theresa Dalpetz, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at No. 297 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-Law No. 6593 and Zoning District Map W-17C for presentation to City Council;

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 297 Stone Church Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to create a building lot for a single-family detached dwelling, fronting onto Stone Church Road West.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Fred and Theresa Dalpetz, owners.

BACKGROUND:

- Proposal

  The purpose of the proposed change in zoning is to create a building lot for a single-family detached dwelling, fronting onto Stone Church Road West.

LOT SIZE AND AREA:

- 30.48 m (100.0 ft.) of lot frontage on Stone Church Road West;
- 132.77 m (435.6 ft.) of lot depth; and,
- 0.4 ha (1.0 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"AA" (Agricultural) District
Surrounding Lands		
to the north	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District and "C" (Urban Protected Residential, etc.) District
to the south	vacant	"AA" (Agricultural) District
to the east and west	single-family dwellings	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated **"RESIDENTIAL"** on Schedule "A" the Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation,while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all the RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.3.4.1 In accordance with the intent of the Regional Official Plan, consents to sever individual parcels of land within the City will generally be discouraged and limited in accordance with the following provisions:

i) Severances to create new lots where adequate municipal sewer and water services are not available will be discouraged;

ii) Severances will be discouraged which do not comply with the Development and Servicing Extension policies of Subsection B.1 and the severance policies of the Regional Official Plan; and,

iii) Severances will be discouraged where such severance would make it difficult to assemble land which would permit planned development."

On the basis of the foregoing, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the Proposed Sheldon Neighbourhood Plan. For the information of the members of the Planning and Development Committee, the proposed Sheldon Neighbourhood Plan will be the subject of a Public Meeting to be held in the early part of 1992 to consider the plan.

The proposal would comply with the intent of the proposed Sheldon Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised that;

"1. The existing dwelling shall provide a minimum 1.2 m side yard from the proposed lot line.

"2. The existing garage shall provide a minimum .45 m setback from the proposed lot line".

- The Hamilton Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centre line of the original road Stone Church Road road allowance.

In the absence of any details shown, we advise that any works which may occur within the Stone Church Road road allowance, as widened, must conform to the Region's Roads Use By-law.

The Traffic Department is to comment on access and access design. We note at this time that should the severance of 12.19 m frontage be approved, it appears the existing access to No. 297 Stone Church Road will be removed and access to the garage at the rear lands will likely be required on the west side of the existing building and a new access will likely be required for the existing structure at No. 297 Stone Church Road West.

According to our records, the Sheldon Neighbourhood Plan has been circulated for staff comments but to date has not received approval by Committee and Council.

The draft neighbourhood plan indicates a midblock collector street intersecting Stone Church Road to the west of the subject lands and that the rear of the subject lands will be developed with a cul-de-sac extending easterly from the midblock collector street. We have not received nor reviewed a land severance application on this property to date and more specific comments on lotting, lot dimensions, etc.will be made at that time."

- The Traffic Department, Hamilton Region Conservation Authority and The Hamilton Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the proposed Sheldon Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of both the Official Plan and the proposed Sheldon Neighbourhood Plan;

   - it would be compatible with existing and future planned single-family development in this area;

   - it represents an "infill" situation and would not interfere with the orderly development of the neighbourhood; and,

   - the proposed lots would satisfy the requested "C" (Urban Protected Residential, etc.) District regulations.

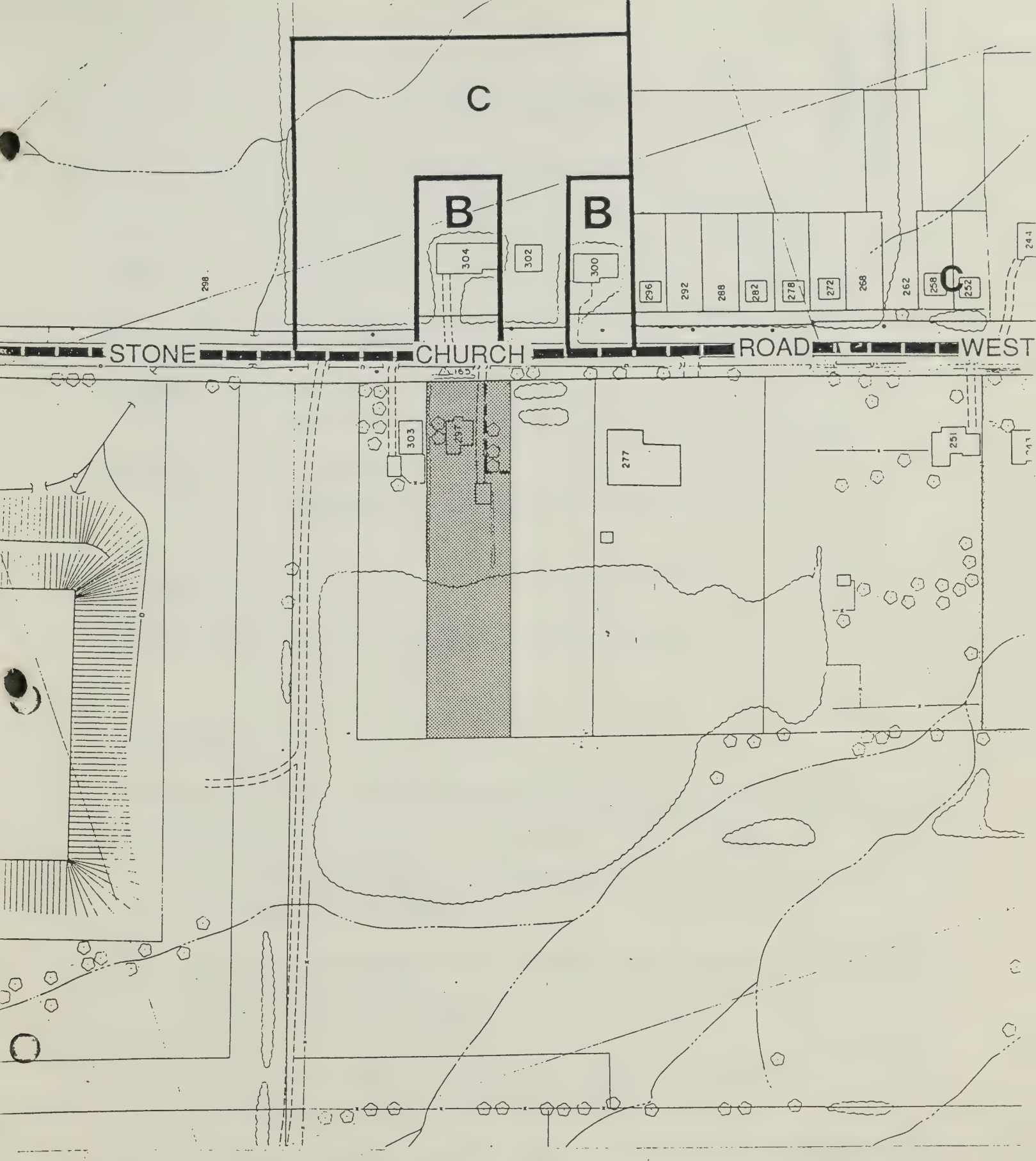
4. To-date, the applicant has not submitted an application to the Regional Land Division Committee for approval of the proposed land severance. The applicant is aware of this requirement and upon receiving approval of this rezoning application will proceed to file the necessary application.

   It should be noted, that the required road widening as identified by the Engineering Department can be accommodated as a condition of approval at the land severance stage.

CONCLUSION:

On the basis of the foregoing, the application as submitted can be supported.

GAW/dkp/ma
A:\ZA9138


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Legend
Site of the Application
ZA 91-38

APPENDIX A

11

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 4
ZA-91-34
Grayside Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a Modification in Zoning - No. 170 Brockley Drive.

RECOMMENDATION:

That approval be given to Zoning Application 91-34, Hamilton Horseshoe Pitching Club, Inc., Lessee, requesting a modification to the "KK" (Restricted Heavy Industrial) District, to permit a private club (horseshoe pitching), a restaurant and a public hall (billiard room with one table) within the existing building, for the property located at No. 170 Brockley Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "KK" (Restricted Heavy Industrial) District regulations, as contained in Section 17A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

a) That notwithstanding Section 17A(1), the following commercial uses shall be permitted within the existing building only:

1) a private horseshoe pitching club, including a billiard room and a restaurant as accessory uses;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-123 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the "KK" (Restricted Heavy Industrial) District regulations, for the property located at No. 170 Brockley Drive, as shown on the attached map.

The effect of the By-law is to permit a private club (horseshoe pitching) within the existing building. In addition, a restaurant and a billiard room will be permitted as accessory uses to the private club.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant wishes to use the existing building for use by a horseshoe pitching club, a billiard room with one table and a restaurant.

The applicant has indicated that this sport requires a building with high ceilings and as a result, industrial buildings are the only ones which could accommodate the club.

LOT SIZE AND AREA:

- 30.46 m (100 ft.) of lot frontage on Brockley Drive;
- 45.69 m (150 ft.) of lot depth; and,
- 0.14 ha (0.34 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	horseshoe pitching club	"KK" (Restricted Heavy Industrial) District
Surrounding Lands		
to the north, south east and west	industrial uses	"KK" (Restricted Heavy Industrial) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" and within Special Policy Area 11 on Schedule "B". The following policies apply, among others:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11.

A.2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category."

Based on the foregoing, the proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Grayside Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agency have no comments or objections:

  - Traffic Department;
  - Property Department;
  - Licence Division of the City Clerks Department; and,
  - Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise at this time that any works which may occur within the Brockley Drive road allowance must conform to the City of Hamilton Streets By-law.

The Traffic Department is to comment on access and access design. We understand that the existing building will be renovated for this proposed use. It is unclear from the site plan submitted whether the driveway, fence and gate are existing or proposed. We recommend that 5 m x 5 m daylight triangles be established between the street line and the access in which the maximum height of objects, vegetation etc., is not to exceed a height of 0.60 m above the centreline elevation of Brockley Drive. The fence should also be recessed accordingly."

- The Economic Development Department has advised that:

"The Department has specific concerns with this modification to the "KK" zoning. The existence of "K" and "KK" zoning is limited and the erosion of this type of industrial space may have adverse effects on the economy of the city. Several enquiries over the last few months have been by industries looking for this type of zoning in which to establish their operations (ie. recycling, etc.). The City of Hamilton is one of the few remaining municipalities in Southern Ontario that offer this type of heavy industrial zoning."

- The Building Department has advised that:

"This Horseshoe Pitching Club is considered as a private club and is not permitted."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan.

2) There is no approved Plan for the Grayside Neighbourhood.

3) The proposal can be supported for the following reasons:

   a) it would not undermine the primary function of the area which is intended for industrial purposes;

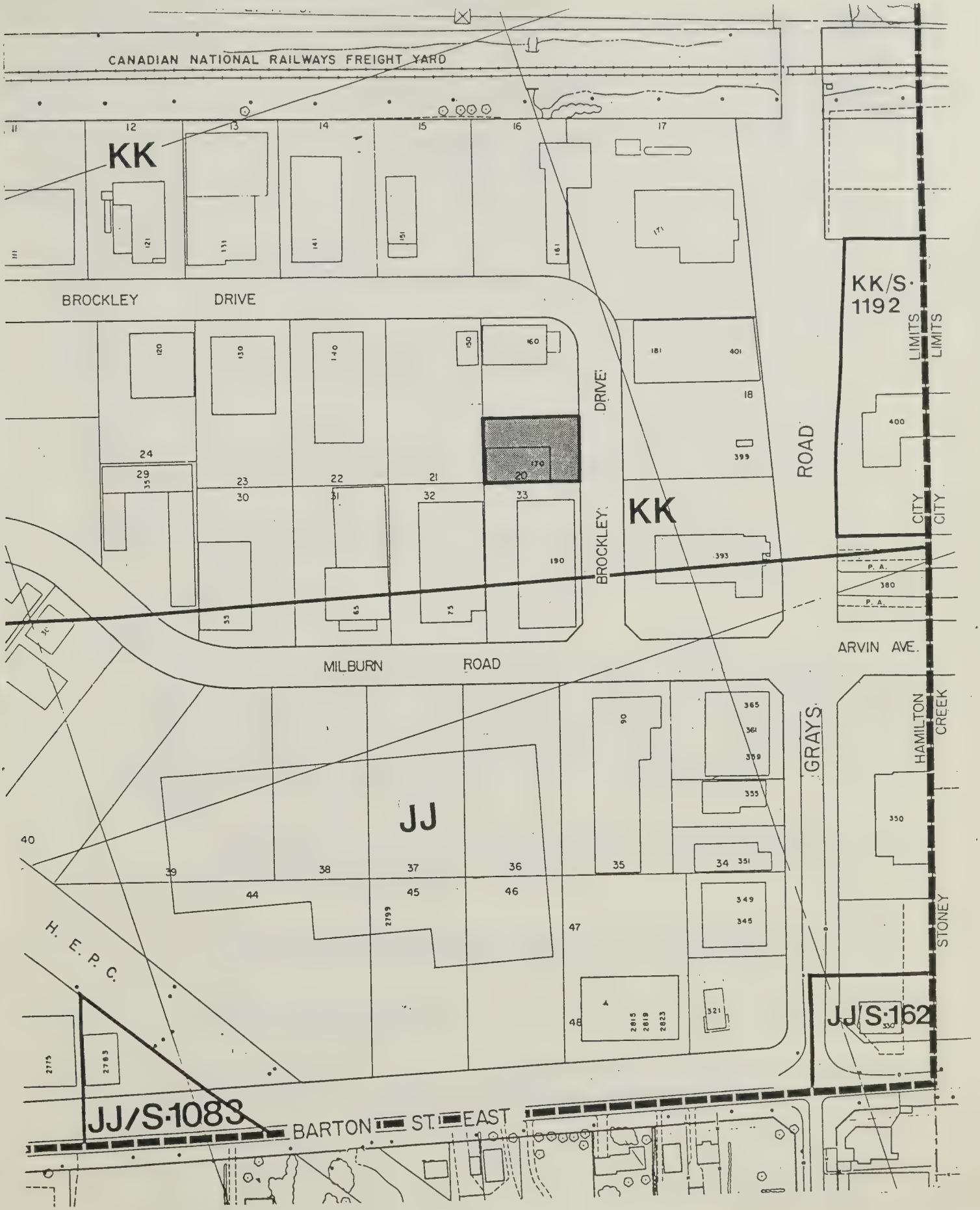
b) it would not alter the character of the area since it is within the existing building; and,

c) it complies with the intent of the Official Plan which permits clubs catering to leisure activities within industrial areas.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma



Legend

Site Of The Application

ZA 91-34

APPENDIX A

12

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 August 28
ZA-91-28; Beasley Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Nos. 180-188 Wilson Street

RECOMMENDATION:

1. That approval be given to Zoning Application 91-28, John F. Petis, owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-3" (High Density Multiple Dwellings) District, to permit the development of the subject lands for a 6 storey, 33 unit apartment building, for property located at Nos. 180-188 Wilson Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the subject lands be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-3" (High Density Multiple Dwellings) District;

   ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;

   iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received Site Plan approval, for the subject lands.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-3" (High Density Multiple Dwellings) District, for property located at Nos. 180-188 Wilson Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to allow the development of the subject lands for an apartment building.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant has requested a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-3" (High Density Multiple Dwellings) District, for property located at Nos. 180-188 Wilson Street, to permit the development of an apartment building. The applicant has indicated that he intends to construct a 6 storey apartment building containing approximately 33 units, however, a concept plan has not yet been prepared.

APPLICANT:

John F. Petis, owner.

LOT SIZE AND AREA:

The subject lands have:

- 24.422 m (80.125 feet) of lot frontage onto Wilson Street;
- 33.833 m (111 feet) of lot depth; and,
- 825.324 m^2 (8,884 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
Surrounding Lands		
to the north	single-family dwellings and row housing	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	vacant land, two family dwellings and single family dwellings	"L-mr-2" (Planned Development - Multiple Residential) District
to the east	row housing	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the west	single-family dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA", which permits a wide range of land uses, subject to compatibility. The following policy should be noted:

"A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan."

In addition, the subject lands are within SPECIAL POLICY AREA 3. The following policy, among others, applies:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on

Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "HIGH DENSITY APARTMENTS" on the approved Beasley Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies and/or Departments have no comment or objection:

  - Building Department; and,
  - Hamilton Region Conservation Authority.

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands. The designated road allowance width of Wilson Street is 26.21 m. In accordance with this designation, Survey Plan 822(A) was prepared outlining specific lands required for road widening purposes. As a condition of development approval we recommend that lands identified for road widening purposes on Survey Plan P822(A) be dedicated to the Region for road widening purposes. This road widening is approximately 3.048 m in width and all setbacks must be taken from the widened limits of Wilson Street.

  In the absence of any details shown we advise at this time that any works which may occur within the Wilson Street road allowance, as widened, must conform to the Regions Roads Use By-law.

  The Traffic Department is to comment on access and access design. More specific details of grading, setbacks, sight distances, etc. will be submitted at such time as site plans are sent to this office for review and comment. Accordingly, these lands should be developed through site plan control.

  According to our records, the alleys to the rear of the subject lands are private alleys."

- The Traffic Department has advised that:

  "We find the request to rezone the lands to "E-3" (High Density Multiple Dwellings) to be generally satisfactory. However, as a condition of rezoning, we request that a site plan for the development be submitted and approved before the zoning application is approved. We do not feel that the dimensions of the site will allow the parking and loading requirements for a high density multiple dwelling to be accommodated on-site."

COMMENTS:

1. The proposal complies with the intent of both the Official Plan and the approved Beasley Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of the Official Plan;
   - it implements the intent of the approved Beasley Neighbourhood Plan, which designates the subject lands "HIGH DENSITY APARTMENTS";
   - it is compatible with existing and proposed land uses in the area;
   - it is an appropriate location for high density residential development, ie. close to the downtown amenities and public transportation.

   However, given the limited site area (8,884 sq.ft.), the need for a road widening, and the absence of a preliminary site plan, it is questionable as to whether or not the proposed 33 unit building can be accommodated on the site in accordance with By-law requirements. In this regard, the Traffic Department has advised "We do not feel that the dimensions of the site will allow the parking and loading requirements for a high density multiple dwelling to be accommodated on site."

   For the information of the Committee, under the requested "E-3" zoning a maximum gross floor area of 1,403 m^2 (825.3 m^2 x 1.7) would be permitted. Given a proposed density of 33 units, each unit would be approximately 42.5 m^2 (457.6 sq.ft.) in size. Typically, apartment units have an average minimum floor area of about 74 m^2 (800 sq.ft.). This would yield a total of 19 units on the subject lands, whereas 33 are proposed.

   The subject lands are located mid-block, with the balance of the lands being similarly designated for "High Density Apartments" on the approved Neighbourhood Plan. For redevelopment of this nature, it is preferable that the entire block, or a major portion of the block, be consolidated and redeveloped. This would better accommodate a high density development and would provide for more orderly development.

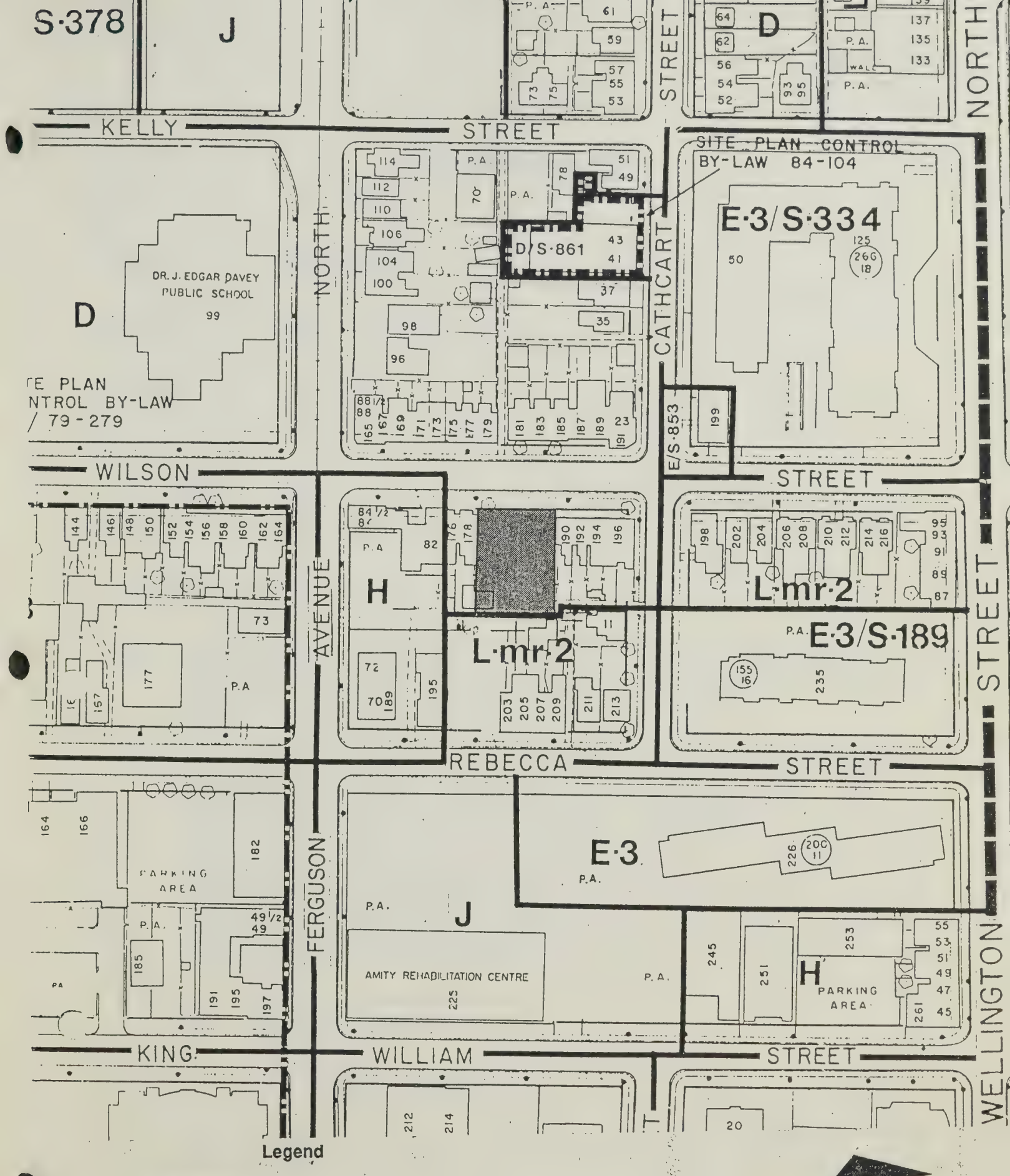
In light of the above issues, passage of the proposed Zoning By-law amendment should be held in abeyance until a site plan has been submitted and approved. This would enable the City to review the site details, such as: parking; loading; landscaping; etc., and to ensure that the high density residential use can be appropriately accommodated. Furthermore, any required variances and/or special conditions could be identified for inclusion in a site specific by-law, if necessary.

3. The Hamilton-Wentworth Engineering Department has advised that a land dedication is required for a 3.048 m road widening. This matter can be accommodated under site plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

CL-M/ma
ZA9128


S-378
J
KELLY
STREET
D
NORTH
CATHCART
SITE PLAN CONTROL
BY-LAW 84-104
E-3/S-334
D/S-861
DR. J. EDGAR DAVEY
PUBLIC SCHOOL
99
D
RE PLAN
NTROL BY-LAW
/ 79-279
WILSON
STREET
E/S-853
AVENUE
H
L-mr-2
P.A.
E-3/S-189
REBECCA
STREET
FERGUSON
E-3
P.A.
J
AMITY REHABILITATION CENTRE
225
PARKING
AREA
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PARKING
AREA
KING
WILLIAM
STREET
WELLINGTON
Legend
Site of the Application
ZA 91-28

APPENDIX 'A'

13

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 August 30
ZA-89-113; Riverdale East Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Lands on the south side of Strawberry Drive, east of Lake Avenue North (rear of No. 921 Queenston Road)

RECOMMENDATION:

1) That approval be given to Official Plan Amendment No. for the establishment of a Special Policy Area, to permit the parking use within the "RESIDENTIAL" designation, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2) That approval be given to Zoning Application 89-113, 546544 Ontario Inc. (Juraj Sulug - President and Secretary Treasurer), owner, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for Block "1", from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for Block "2", and from "C" (Urban Protected Residential, etc.) District modified, to "G-3" (Public Parking Lots) District for Block "3", to allow the use of the subject lands for parking purposes, in conjunction with an adjacent existing commercial use at No. 921 Queenston Road, for property located on the south side of Strawberry Drive, east of Lake Avenue North, (rear of No. 921 Queenston Road East), shown as Blocks "1", "2" and "3" on the attached map marked as APPENDIX "A", on the following basis:

   i) That Block "1" be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;

   ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;

   iii) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District modified, to "G-3" (Public Parking Lots) District;

iv) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-Law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:

a) That notwithstanding Section 13C, only a parking lot used in conjunction with the commercial use located on adjoining lands at No. 921 Queenston Road in the City of Stoney Creek shall be permitted;

b) That a visual barrier not less than 1.2 m in height and not more than 2.0 m in height, excluding vehicular access, shall be provided and maintained along the northerly, westerly and easterly property lines;

c) That a planting strip of not less than 1.5 m in width, excluding vehicular access, shall be provided and maintained along the northerly and westerly property lines;

d) That a planting strip of not less than 3.0 m in width, shall be provided and maintained along the easterly property line;

e) That no vehicular access to or egress from Strawberry Drive shall be permitted.

v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-125 be notated S- ;

vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-125 for presentation to City Council; and,

vii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Region of Hamilton-Wentworth.

3) That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives Site Plan approval, including the payment of all outstanding servicing costs to the City and Region adjacent to the 0.3 m reserve on Strawberry Drive.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands on the south side of Strawberry Drive, east of Lake Avenue North (rear of No. 921 Queenston Road), shown as Block "1", "2", "3" on the attached map, on the following basis:

Block "1" - From "AA" (Agricultural) District to "G-3" (Public Parking Lots) District.

Block "2" - From "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District.

Block "3" - From "C" (Urban Protected Residential, etc.) District modified, to "G-3" (Public Parking Lots) District.

The effect of the By-law is to allow the use of the subject lands only for parking in conjunction with an adjacent commercial use (the Alpine Hotel) at No. 921 Queenston Road in the City of Stoney Creek. In addition, the By-law establishes the following variances as special requirements:

- a visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly, westerly and easterly property lines, except for any area used for vehicular access;

- a planting strip of not less than 1.5 m in width shall be provided and maintained along the northerly and westerly property lines, except for any area used for vehicular access;

- a planting strip of not less than 3.0 m in width, shall be provided and maintained along the easterly property line; and,

- no vehicular access to or egress from Strawberry Drive shall be permitted.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The proposal is to rezone the subject lands from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for Block "1", from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for Block "2", and from "C" (Urban Protected Residential, etc.) District modified, to "G-3" (Public Parking Lots) District for Block "3", for lands on the south side of Strawberry Drive, east of Lake Avenue North. The subject lands

are currently being used for parking, in conjunction with an adjacent commercial use, the Alpine Hotel, located at No. 921 Queenston Road in the City of Stoney Creek. The proposed rezoning will legalize the use of the subject lands for parking.

APPLICANT:

546544 Ontario Inc. (Juraj Sulug - President and Secretary Treasurer), owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 99.17 m (325.36 feet) of lot frontage onto Strawberry Drive;
- 12.3 m (40.36 feet) of lot frontage onto Lake Avenue North; and,
- 1,416.40 (15,246.52 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Parking area	"AA" (Agricultural) District
		"C" (Urban Protected Residential, etc.) District
		"C" (Urban Protected Residential, etc.) District modified
Surrounding Lands		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
		"C" (Urban Protected Residential, etc.) District modified
to the south	the Alpine Hotel, an automobile service station and an automobile glass centre	"C3"(General Commercial) City of Stoney Creek Zoning By-law

to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District, modified
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL". The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings....

A.2.2.38 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands."

The proposal does not comply with the Official Plan. If the application is approved, an Amendment will be required to establish a "SPECIAL POLICY AREA", to permit the proposed parking area within the "RESIDENTIAL" designation.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Riverdale East Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies and/or Departments have no comment or objection:

  - Building Department;
  - Hamilton Region Conservation Authority; and,
  - Hamilton-Wentworth Regional Police.

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands.

  As a condition of zoning approval, the owner must pay all outstanding servicing costs to the City and Region adjacent to the 0.3 m reserve on Strawberry Drive.

  There are no road allowance widenings anticipated at this time.

Any works which may occur within the Strawberry Drive road allowance must conform to the City of Hamilton Streets By-law."

- The Traffic Department has advised that:

  "In response to your letter of 1990 July 26 please be advised that we have reviewed the above-noted application and find the proposed zoning satisfactory. Access will not be permitted onto Strawberry Drive."

- The City of Stoney Creek has advised that:

  "The apparent effect of this proposed amendment is that additional lands in the City of Hamilton are to be zoned "G-3" District adjacent to the City of Stoney Creek north of Queenston Road and east of Lake Avenue. City of Stoney Creek Planning Staff consider such a zoning to be appropriate as it will allow commercial parking areas to be located in the City of Hamilton with the business being located in Stoney Creek. We would point out that the City's Official Plan policies for the lands along the north side of Queenston Road and designated General Commercial require that buffering, screening and landscaping be provided where the commercial designations are adjacent to residential uses. Discussions with the City of Hamilton Planning Staff indicate that these principles will be adhered to in the consideration of proposed zoning in the City of Hamilton. On this basis City of Stoney Creek Planning Staff have no objection to the application."

COMMENTS:

1. The proposal does not comply with the Official Plan. An Official Plan Amendment would be required to establish a "Special Policy Area" to permit the proposed parking area within the "RESIDENTIAL" designation.

2. The proposal complies with the intent of the approved Riverdale East Neighbourhood Plan.

3. The application has merit and can be supported for the following reasons:

   - it implements the approved Riverdale East Neighbourhood Plan, which designates the subject lands "COMMERCIAL";

   - the proposed parking area will have less of an impact on adjacent residential areas than other, more intense, commercial uses which would also comply with the "COMMERCIAL" Neighbourhood Plan designation;

   - the proposal represents infill development on an irregularly shaped parcel of land, which would not be feasible for development independently;

- the commercial development, which the proposed "G-3" District will serve, is suitably located on a major arterial road, at the periphery of the neighbourhood;

- access will be prohibited to Strawberry Drive; and,

- the proposal is compatible with the surrounding land use pattern.

4. Section 13C(2) of Zoning By-law No. 6593 requires "G-3" Districts to be located within 60.0 m of an industrial or commercial district. The subject lands are not located within 60.0 m of an industrial or commercial district in Hamilton. However, they are located adjacent to a commercially zoned area in Stoney Creek. In this regard, the proposal meets the intent of Section 13C(2), in that the "G-3" Districts are to serve commercial or industrial areas. Accordingly, a variance can be supported.

   In order to restrict the use of the subject lands to only a parking lot used in conjunction with the commercial use located on adjoining lands at No. 921 Queenston Road in the City of Stoney Creek, it would be appropriate to amend the "G-3" (Public Parking Lots) District regulations by applying site specific requirements.

   More specifically, the subject lands are located immediately adjacent to a single-family residential use to the east, and adjacent to single-family residential areas across Lake Avenue North to the west, and across Strawberry Drive to the north. As such, to ensure that adequate buffering is provided and to minimize potential impacts on adjacent residential uses, a 3.0 m planting strip should be required along the easterly property line, a 1.5 m planting strip should be required along the northerly and westerly property lines and a visual barrier should be required along the easterly, westerly and northerly property lines.

5. The Traffic Department has indicated that access onto Strawberry Drive should be prohibited.

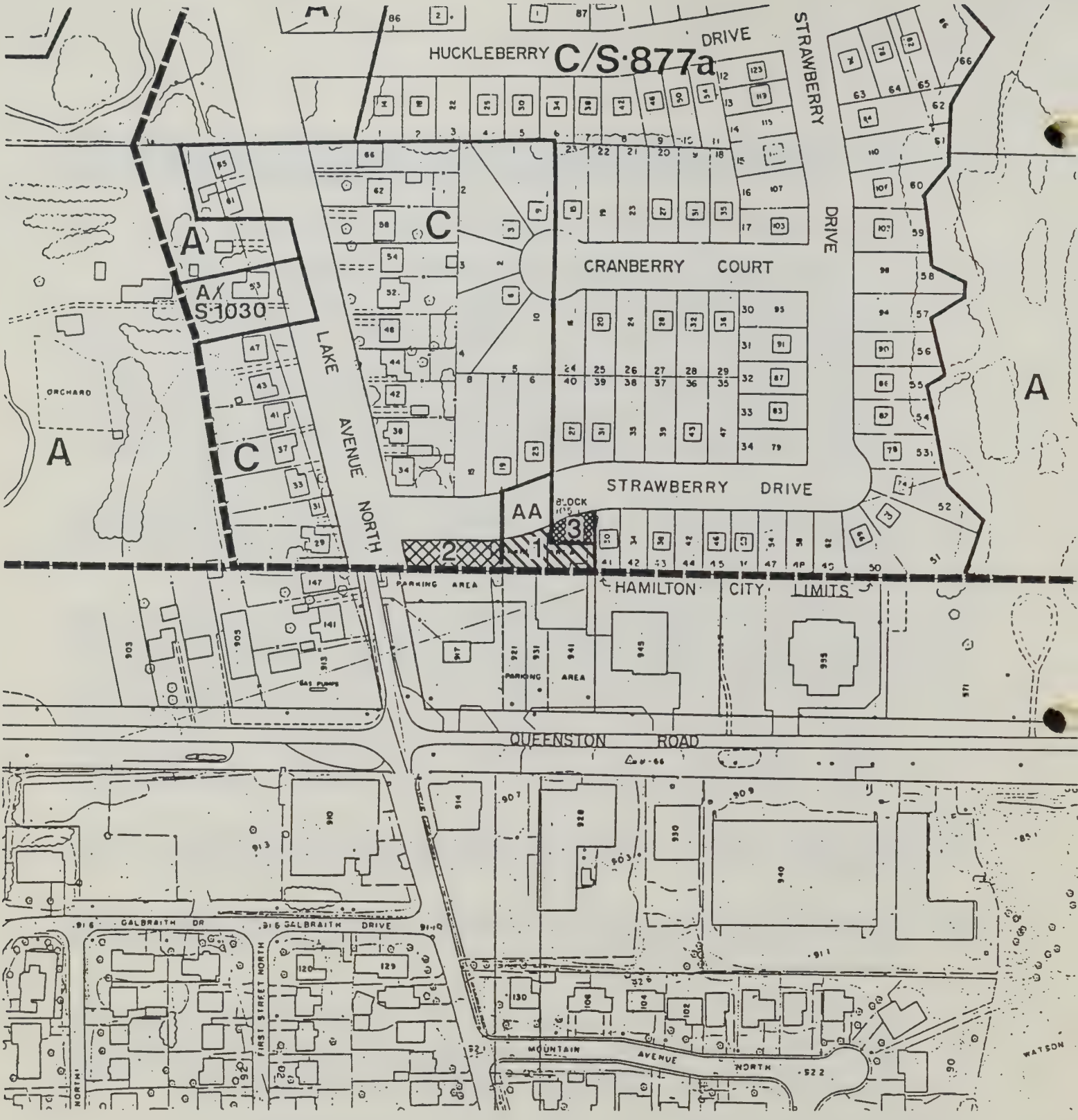
6. To enable the City to ensure that the site design (access, landscaping, fencing, grading, etc.) is acceptable, the amending By-law should not be passed until a Site Plan has been submitted and approved.

   The Engineering Department has indicated as a condition of zoning approval, the owner must pay all oustanding servicing costs to the City and Region adjacent to the 0.3 m reserve on Strawberry Drive. Since the subject lands are under Site Plan Control, this should be dealt with as a condition of Site Plan approval.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

C-LM/ma



Legend

Proposed change in zoning from :

ZA 89 - 113

BLOCK 1 — "AA" (Agricultural) District to "G-3" (Public Parking Lots) District.

BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District.

BLOCK 3 — "C" (Urban Protected Residential, etc.) District, modified to "G-3" (Public Parking Lots) District.

APPENDIX A

CITY OF HAMILTON

- RECOMMENDATION -

14

DATE: 1991 September 9
ZA-91-08
Ryckmans Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for an amendment to the Official Plan and a change in zoning - No. 75 Rymal Road East.

RECOMMENDATION:

That amended Zoning Application 91-08, 668550 Ontario Limited (A. Tuite and L. Centurami), owners, requesting an amendment to the Official Plan to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL", and to rezone the lands from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, modified to permit the development of the subject lands for a 40 seat, fast food restaurant with a drive through facility, for property located at No. 75 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) It represents an undesirable extension of a 'highway commercial' use into an area designated and used for single-family residential uses;

ii) There is an adequate supply of commercially zoned and designated land to accommodate the proposed use in the area of Upper James Street and Rymal Road;

iii) It does not comply with the intent of the approved Ryckman's Neighbourhood Plan which designates the subject lands for "SINGLE and DOUBLE RESIDENTIAL" use;

iv) The requested "G-3" (Public Parking Lots) District modified zoning is inappropriate for the proposed development, in that the only building permitted is one used for the shelter of attendants. In this regard, the proposed amendment to the "G-3" District to permit a 'fast food' restaurant on the site has the same effect as rezoning the lands to a commercial district such as the "HH" (Restricted Community Shopping and Commercial, etc.) District. Furthermore, the "G-3" District modified is a misnomer, in that the lands will not be developed for a 'parking lot';

v) In 1990, the applicant was granted an extension of the commercial zoning for the lands to the west to 'square off' the site to allow for commercial development. At that time, the applicant , amended the Zoning Application to delete the subject lands for commercial development; and,

vi) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

- **Current Proposal - No. 75 Rymal Road East**

  The applicants are requesting a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, modified to permit a 40 seat 'fast food' restaurant with a drive through facility. The applicants also own adjoining lands to the west (Nos. 55-69 Rymal Road East).

- **Adjacent Properties - Nos. 55-75 Rymal Road East**

  - ZA-90-43 (By-law 90-306) - Nos. 69 to 75 Rymal Road East

    In 1990, the applicants requested a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified, for the lands at Nos. 69 to 75 Rymal Road East, and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear portion of the lands at No. 75 Rymal Road East.

    Prior to the application being presented to the Planning and Development Committee for consideration, the applicant amended the application to delete the commercial zoning for the lands at No. 75 Rymal Road East.

    On September 19, 1990, the Planning and Development Committee approved the amended zoning application.

    On October 30, 1990, City Council passed By-law 90-306 which rezoned only No. 69 Rymal Road East to "HH" (Restricted Community Shopping and Commercial) District, modified, which included the appropriate landscaping and fencing requirements where the property abuts residential. The By-law also rezoned only the rear lands at No. 75 Rymal Road East from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

  - Site Plan Control Application (DA 91-20) - Nos. 55-69 Rymal Road East

    On July 5, 1991, DA 91-20 was approved for the lands at Nos. 55 to 69 Rymal Road East for a gas bar and convenience store.

- ZA-86-55 (By-law 86-273) - Nos. 55 to 59 Rymal Road East

  In 1986, the applicant applied to rezone the properties from "AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District and the front portion of the lands to "HH" (Restricted Community Shopping and Commercial, etc.) District.

  On August 13, 1986, the Planning and Development Committee approved the application.

  On September 30, 1986, City Council passed By-law 86-273 which rezoned the Rymal Road East frontage to "HH" (Restricted Community Shopping and Commercial) District, modified to include appropriate landscaping and fencing requirements where the properties abut residential, and to rezone the rear lands for residential purposes.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

668550 Ontario Limited, (A. Tuite and L. Centurami), owners.

LOT SIZE AND AREA:

- 22.87 m (75.0 ft.) of lot frontage on Rymal Road East;
- 56.0 m (183.72 ft.) of lot depth;
- 1,280.72 m^2 (13,786 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	vacant	"C" (Urban Protected Residential, etc.) District

to the south	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the east	single-family dwellings	"AA" (Agricultural) District
to the west	commercial	"HH" (Restricted Community Shopping and Commercial) District, modified

OFFICIAL PLAN:

Designated RESIDENTIAL on Schedule A - and within Special Policy Area 31 on Schedule "B". The following policies apply, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings...

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site area of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.

A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

iii) In accordance with Subsection D.2, the preparation of Neighbourhood Plans in this AREA will consider the following:

b) the extent of Commercial, mixed commercial/Residential uses, retail/warehouse uses and neighbourhood - based retail and service uses."

Based on Policy A.2.2.25, the proposal does not comply with the intent of the Official Plan, in that the 'fast food' restaurant is not considered to "serve the daily retail needs of surrounding residents and does not depend primarily on pedestrian access."

In addition, Policy A.2.9.3.26 states that Neighbourhood Plans for the area will determine the extent of Commercial uses within Special Policy Area 31. The Approved Neighbourhood Plan designates the subject lands "SINGLE and DOUBLE HOUSING".

On the basis of the foregoing, the proposal does not comply with the intent of the Official Plan. Approval of the application would require redesignation of the subject lands from "RESIDENTIAL" to "COMMERCIAL".

NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE HOUSING" use on the approved Ryckman's Neighbourhood Plan, the proposal does not comply. Approval of the application would require a redesignation from "SINGLE and DOUBLE HOUSING" to "COMMERCIAL" and a change to the proposed road pattern.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. The only permitted use is a parking lot.

  2. The proposed building for commercial use is not permitted.

  3. The only building permitted is one used for the shelter of the attendants in charge and shall not be more than 4.0 m in height and 6.0 m^2 in area.

  4. The site plan does not conform to the provisions of a G-3 District.

  5. Any other commercial zoning district permits parking lots and buildings for commercial use."

- The Traffic Department has advised that:

  "In May of 1990, we received ZA-90-43 for this same parcel of land from the same applicants. At that point, we did not agree to a change in zoning to commercial for 75 Rymal Road East. A copy of our letter giving reasons for our decision is attached.

  We have now received this application asking for "G-3" public parking with consent for a building. To us, this adds up to a commercial property and we do not support it for the same reasons given previously."

  The following are the comments previously submitted:

"The approved neighbourhood plan provided a clear delineation between the commercial and the residential components of this neighbourhood. Rymal Road was not intended to develop into a commercial strip (as is the case with Upper James Street) and as a result the commercial zoning must terminate at some point. While we can accept that there may be some justification with respect to site layout and adjacent land uses to including 69 Rymal Road within the commercial designation, no such justification can be applied to the property at 75 Rymal Road. If 75 Rymal Road can be changed to commercial, then why not the next adjacent property, and so on.

In summary, we would be prepared to agree to a zoning modification at 69 Rymal Road but not a 75 Rymal Road."

- The Hamilton-Wentworth Engineering Department has advised that:

"In the absence of any details shown, we advise that any works which may occur within the Rymal Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

The Traffic Department is to comment on access design and location. We cannot provide comments on roadway improvements until the applicant specifically identifies what he really wants. The zoning requested and the attached site plan are not compatible and we require more detail on that matter.

The subject lands are designated for single and double family use in the approved Ryckman Neighbourhood Plan. We, as well as the Traffic Department, have concerns regarding the eastward extension of the strip commercial development on the north side of Rymal Road and the number of individual commercial accesses. It is our opinion that the intent of the neighbourhood plan should be maintained."

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require a redesignation of the subject lands from "RESIDENTIAL" to "COMMERCIAL".

2. The proposal does not comply with the intent of the approved Ryckman's Neighbourhood Plan. Approval of the application would require a redesignation from "SINGLE and DOUBLE HOUSING" to "COMMERCIAL".

3. The application cannot be supported for the following reasons:

   i) It represents an undesirable extension of a 'highway commercial' use into an area designated and used for single-family residential uses;

   ii) There is an adequate supply of commercially zoned and designated land to accommodate the proposed use in the area of Upper James Street and Rymal Road;

iii) It does not comply with the intent of the approved Ryckman's Neighbourhood Plan which designates the subject lands for "SINGLE and DOUBLE RESIDENTIAL" use;

iv) The requested "G-3" (Public Parking Lots) District modified zoning is inappropriate for the proposed development, in that the only building permitted is one used for the shelter of attendants and shall not be more than 4.0 m (13 ft.) in height and 6.0 m^2 (65 sq.ft.) in area. In this regard, the proposed amendment to the "G-3" District to permit a 'fast food' restaurant on the site has the same effect as rezoning the lands to a commercial district such as the "HH" (Restricted Community Shopping and Commercial, etc.) District. Furthermore, the "G-3" District modified is a misnomer, in that the lands will not be developed for a 'parking lot';

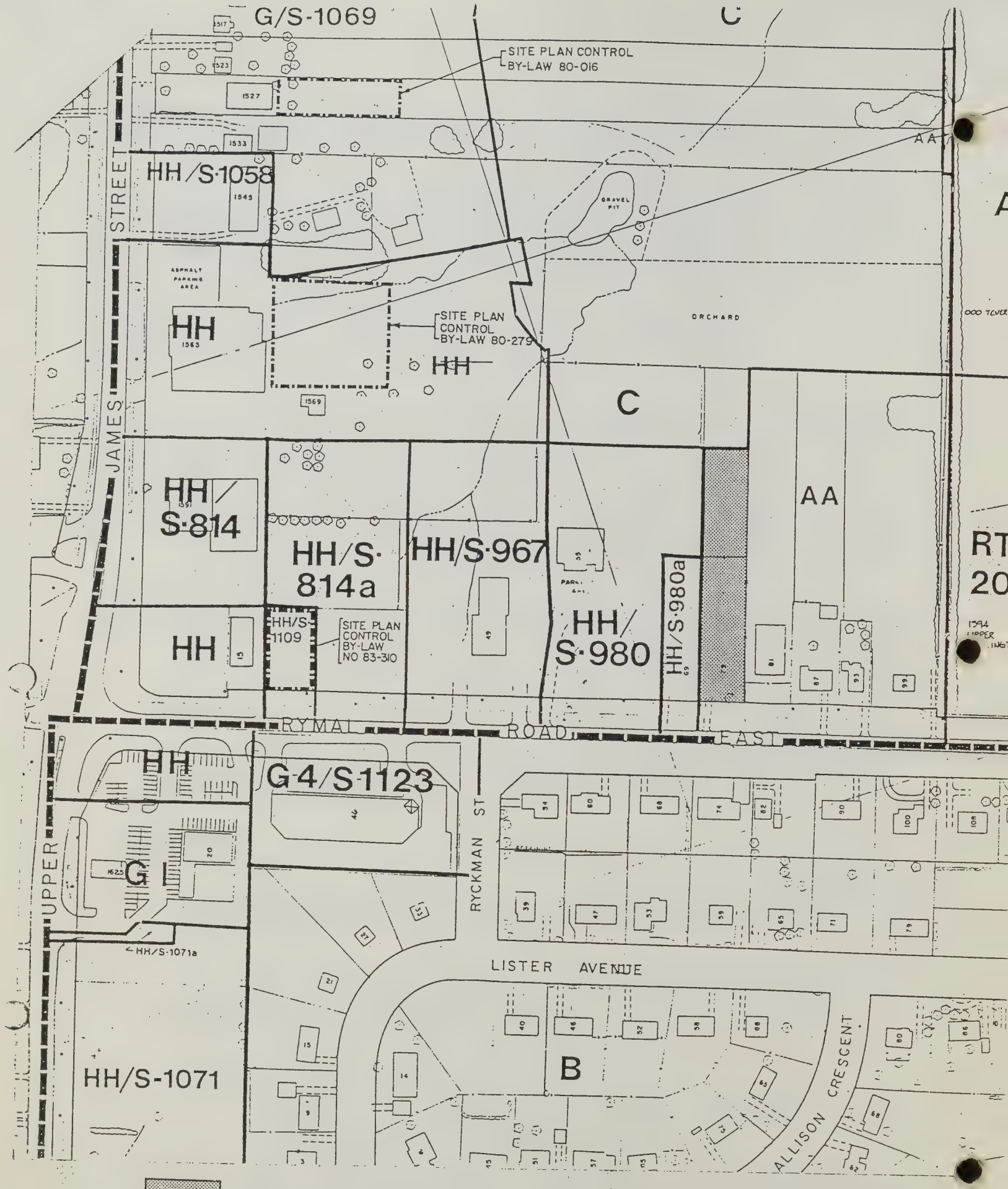
v) In 1990, the applicants' lands at No. 69 Rymal Road East were rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District which allowed the applicant to 'square off' the development of the site. For the information of the Committee, the applicant originally included the subject lands in the previous application. After discussions with staff, the applicant deleted the commercial zoning for the lands at No. 75 Rymal Road East; and,

vi) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW:JHE/dkp
A:\ZA9108


G/S-1069
SITE PLAN CONTROL BY-LAW 80-016
HH/S-1058
STREET
JAMES
HH
SITE PLAN CONTROL BY-LAW 80-279
HH
C
HH/S-814
HH/S-814a
HH/S-967
AA
HH/S-980a
HH/S-1109
SITE PLAN CONTROL BY-LAW NO 83-310
HH
HH/S-980
RYMAL ROAD EAST
HH
G-4/S-1123
UPPER
G1
RYCKMAN ST
HH/S-1071a
LISTER AVENUE
HH/S-1071
B
ALLISON CRESCENT
Site of the Application
ZA 91-08

APPENDIX A

15

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991, September 9
ZA-91-37
(Thorner Neighbourhood)

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a further modification in Zoning - Lands at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

RECOMMENDATION:

That Zoning Application 91-37, David John Armstrong, owner, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a gas bar, variety store, bank, professional offices (excluding medical), dry cleaner outlet, video store and drug store, for lands at the south-west corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) The proposed uses would be incompatible and out of character with existing and proposed low density housing in this area; and,

ii) There is an adequate supply of commercially zoned and designated land in the area to accommodate the proposed uses in the area of Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant has applied to amend By-law 90-273 to add a gas bar to the list of permitted commercial uses, and to delete a clothing store, shoe store, television and appliance store, barbershop/hairdresser and photo studio. The effect of the proposal is to permit the following commercial uses: bank, professional offices (excluding medical), dry cleaner outlet, a video store, a drug store, a variety store and a gas bar.

- By-law 90-273 (ZA 90-19)

  At its meeting of August 22, 1990, the Planning and Development Committee approved a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a bank, professional offices (excluding medical), a dry cleaner outlet, a video store, a clothing store, a shoe store, a television and appliance store, barbershop/hairdresser, a photo studio and a drug store. City Council passed By-law 90-273 on September 25, 1990.

- Zoning Application 88-27

  At its meeting of June 15, 1988, the Planning and Development Committee approved an application to provide for an Official Plan Amendment and a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a gas bar and a convenience store. Approval of the application required a redesignation from "RESIDENTIAL" to "COMMERCIAL" in the Official Plan. Official Plan Amendment No. 58 was adopted by City Council on June 28, 1988 to implement this redesignation.

  Objections to the OPA and the Zoning By-law were received and referred to the Ontario Municipal Board. The hearing was held on May 29, 1990, at which time the Board approved the Official Plan Amendment and the By-law to implement the change in zoning. With respect to the proposed uses, the Board approved a retail variety store but did not approve the gas bar, as an agreement was reached between the applicant and the objector to delete the proposed gas bar use.

APPLICANT:

David John Armstrong, owner.

LOT SIZE AND AREA:

- 50.29 m (165 feet) of lot frontage on Limeridge Road East;
- 60.96 m (200 feet) of lot frontage on Upper Sherman Avenue; and,
- 3,065.8 m^2 (33,000 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"HH" (Restricted Community Shopping and Commercial) District modified
Surrounding Lands		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	proposed mountain freeway	"AA" (Agricultural) District
to the west	church	"AA" (Agricultural) District
to the east	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" in the approved Thorner Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agency has no objections:

  - Hamilton Region Conservation Authority.

- The Building Department has advised that:

  "1. All six (6) items mentioned in Mr. Fletcher's letter are variances required from Zoning By-law 6593.

  2. The fifth (5) item should read 12.0 m rather than 12.192 m."

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to serve the subject lands.

  In the absence of a detailed grading plan being submitted, we can only inform the applicant of our requirements under site plan control.

  1) Surface drainage should remain internal and sufficient catch basins installed to handle storm water runoff, approximately 1 per 500 sq. metres.

  2) Proposed elevations at streetline, as widened, must be 0.14 m higher than the corresponding centreline elevations of abutting streets.

  3) The applicant must meet and match the elevation of abutting neighbours and show how this will be done on his submitted grading plans.

  The designated road allowance width of Upper Sherman Avenue is 30.48 m. The designated road allowance width of Limeridge Road is 26.21 m plus daylight triangles at strategic intersections. Therefore, as a condition of development approval, we recommend that the following road widenings be dedicated:

  1. Sufficient lands to the City of Hamilton to establish the property line 13.11 m from the centreline of the original Limeridge Road road allowance.

  2. Sufficient lands to the Region to establish the property line 15.24 m from the centreline of the original Upper Sherman Avenue road allowance.

  3. Sufficient lands to the Region to establish a 12.19 m x 12.19 m daylight triangle from the widened limits of Limeridge Road and Upper Sherman Avenue.

Therefore, all setbacks will be taken from the widened limits of Upper Sherman Avenue and Limeridge Road.

In the absence of any details or plans submitted with this application for our review, we advise that any works within the adjacent road allowances as widened, must conform to the respective Streets By-laws.

The City of Hamilton Traffic Department is to comment on access location and design. For the information of the applicant, there are a number of concerns with respect to access to these lands. There is a vertical crest curve on Limeridge Road west of the subject lands and the existing curb line is constructed +/- 1.0 m from the existing road allowance limits and depending on the grading of the church lands to the west, sight lines for motorists entering and exiting the subject lands may be critical. Depending on road grades on Upper Sherman Avenue due to the Freeway construction, access could be considered to Upper Sherman. These details will be finalized at the site plan stage.

Since there are a number of concerns respecting grading and access, etc. and since entrance points for tanker trucks and commercial vehicles on this lot are critical, we recommend that a site plan on this property be approved in principle prior to the passing of this Zoning By-law.

Comments from the Freeway Project Office should be considered. The applicant should be advised that the future reconstruction or widenings of Limeridge Road and Upper Sherman Avenue may include raised concrete median islands which will restrict access to the subject lands."

- The Freeway Office has advised that:

"1. In 1992, this section of Upper Sherman is scheduled for construction to accommodate the grade separation across the Freeway lands. As part of this work, the present Upper Sherman road grade will change. As a result, we recommend that this development be subject to site plan approval and that the on-site grade be modified to blend with the proposed grade of the Upper Sherman right-of-way.

2. All comments with respect to access onto Upper Sherman Avenue should be reviewed by the Traffic Department.

3. Also, road widening will be required from this development and it will be dealt with at the site plan approval stage."

- The Traffic Department has advised that:

"Please be advised that we have been informed by the Engineering Department that there have been recommendations that road widenings be dedicated for both Upper Sherman Avenue and Limeridge Road East.

Therefore, even though we find the zoning modification satisfactory, the previously submitted site layout will have to be changed to accommodate these widenings."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan or the approved Thorner Neighbourhood Plan.

2) The proposal cannot be supported for the following reasons:

   a) The proposed uses would be incompatible and out of character with existing and proposed low density housing in this area; and,

   b) There is an adequate supply of commercially zoned and designated land in the area to accommodate the proposed uses in the area of Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.

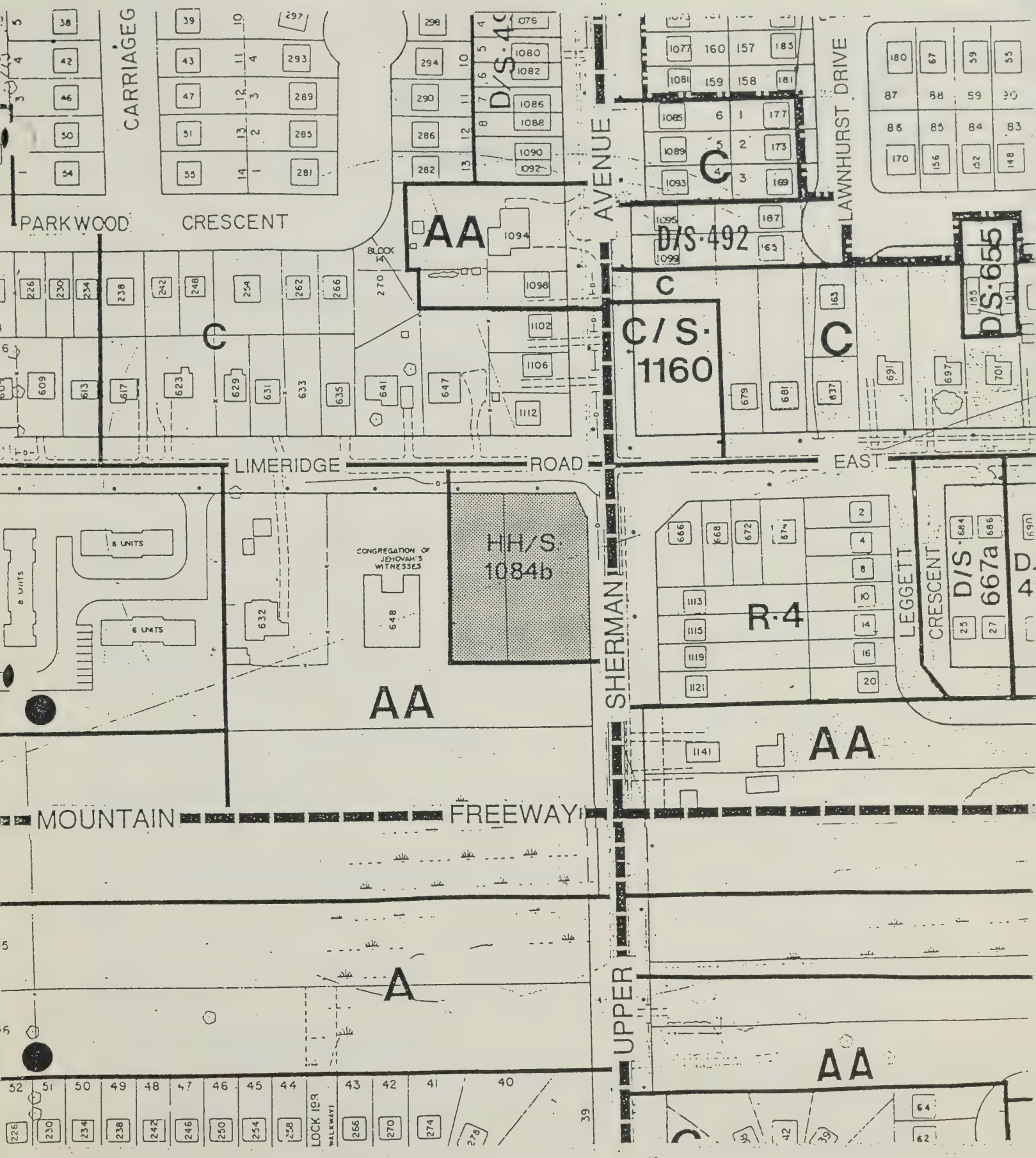
3) The Planning and Development Committee and City Council supported the two previous zoning applications on the subject lands, contrary to staff recommendation. The first application was to permit a variety store and a gas bar. The second application was to permit neighbourhood type commercial uses, and home improvement stores. The current application is a modified combination of the two previous applications. If the Committee wishes to approve this application, the applicant should provide the required landscaped strip and visual barrier in accordance with the provisions of By-law No. 90-273.

4) The "HH" (Restricted Community Shopping and Commercial, etc.) District is subject to Site Plan Control By-law 79-275, as amended by 87-223. If the application is approved then the amending by-law should be held in abeyance pending site plan approval so the concerns of the Engineering Department and Freeway Office respecting access, road widenings, etc. can be accommodated. In addition, any required variances could be evaluated for inclusion in the amending by-law.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA9137



Legend

Site of the Application

ZA 91-37

APPENDIX A

16

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991, September 12
ZA-90-67
(Mountview Neighbourhood)

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for Direction - Official Plan Amendment No. 96 and Zoning Application 90-67 for lands located on the west side of Rice Avenue, south of Chedmac Drive.

RECOMMENDATION:

That the Planning and Development Committee consider the request of the applicant to proceed with the passing of the By-law for Zoning Application 90-67.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Zoning Application (ZA 90-67)

  At its meeting of November 21, 1990, the Planning and Development Committee approved an application for an Official Plan Amendment for a redesignation from "MAJOR INSTITUTIONAL" to "RESIDENTIAL", and a rezoning from "AA" (Agricultural) District to "DE-3" (Low Density Apartments) District, modified, to permit the development of the subject lands for a senior citizens community consisting of a six storey, 82 unit apartment building; 18, two storey stacked townhouse units;

34, one storey units and a residential care facility for 12 residents, for lands located on the west side of Rice Avenue, south of Chedmac Drive, shown on the attached map marked as APPENDIX "A".

Approval of the by-law by City Council was held in abeyance pending the approval of a site plan, including a noise study.

- Site Plan Application (DA 91-38)

  The applicant has submitted a partial site plan including site layout (building location, parking arrangements), building elevations and conceptual landscape plan. In order to receive site plan approval, the applicant is required to submit a grading plan as well as a detailed landscaped plan for review by the appropriate departments, and to dedicate any necessary road widenings, daylight triangles, etc. to the Region.

- Noise Study

  The applicant has submitted a noise study to the Ministry of the Environment for approval. The content of the noise study revealed that there does not appear to be a serious problem with the noise generated by the adjoining Mohawk laundry facility. However, MOE has requested the applicant to provide additional information prior to MOE preparing a final decision on the noise study.

- Current Status

  The applicant has requested that the previous decision of the Planning and Development Committee to require the approval of the site plan prior to the amending by-law being forwarded to City Council be removed.

  It is the opinion of the applicant that further noise studies and the completion of the site plan is premature pending the final decision of City Council on the Official Plan Amendment/Zoning Application (see APPENDIX "B").

FURTHER ACTION:

Although the Department is supportive of the development in principle, from a planning perspective it would be preferable to hold the amending by-law in abeyance until the site plan is approved. In this regard, design details, noise impacts, special by-law modifications, etc. could be evaluated and resolved. Furthermore, the approved site plan could be registered on title, thereby ensuring that the lands are developed for their intended use (ie. senior citizens community).

It should be noted, that the concerns of the Traffic Department and Hamilton-Wentworth Engineering Department can be fully addressed at the site plan stage. In this regard, they have no objection if the by-law is forwarded prior to site plan approval.

Subsequent to the conditional approval of the zoning application, Departmental staff met with the applicants and their agents on several occasions to review design concepts. However, to date, a final site plan has not been submitted for review and evaluation. In this regard, any required variances would have to be identified and considered at the site plan approval stage, and processed through the appropriate Committee. Alternatively, the applicant would have to develop the site in accordance with the applicable district provisions as modified (e.g. type and number of units, building height). In addition, the completion and implementation of the noise study could be undertaken at this stage as well.

If the Committee wishes to forward the Zoning By-law for passage prior to the completion of a site plan, then it would be necessary to amend City Council's resolution of November 27, 1990. More specifically, the applicant has revised the original development plans to increase the number of townhouses from 34 to 41, and to include an apartment unit within the residential care facility. Accordingly, Section 14 of the Twenty-first Report of the Planning and Development Committee should be amended as follows:

1) to amend Section 14(b)(ii)(1.)(b) to permit a maximum of 41 townhouse dwelling units;

2) to add a new Section 14(b)(ii)(1.)(d) as follows, and to renumber the subsequent Section accordingly:

   "That notwithstanding Section 2.(2)A.(xiiaa) of By-law No. 6593, one dwelling unit shall be permitted in the same building as the residential care facility."

3) to amend Section 14(c) as follows:

   "That the approval of a noise study shall be included as part of Site Plan approval."

JHE

WPZA9067



Legend

Site of the Application

ZA90-67 APPENDIX A

ZA 90-67

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No.
AUG 19 1991
(DA-91-38)
CART.
ADMIN.

FPD

FOTHERGILL PLANNING & DEVELOPMENT

135 JAMES STREET SOUTH, SUITE 1015 • HAMILTON, ONTARIO L8P 2Z6 • TEL. (416) 577-1077

August 14, 1991

Mr. Alex Georgieff
Planning Department
City of Hamilton
71 Main St. W.
Hamilton, Ont.

Dear Alex:

Re: Presbyterian Residences (Hamilton) Inc.

Please accept this letter as a request that the application for rezoning for the above property be sent back to Planning and Development Committee for a final decision. I am aware that the previous decision of the Committee was that the zoning would be approved subject to site plan approval.

Since that time, we have spent a considerable amount of money preparing the site plan documents. While this information does not satisfy all the requirements for a normal site plan application, our Board feels there is sufficient information available for the Committee to be able to make a decision with respect to the rezoning application.

As you recall, it was also requested that a noise study be undertaken at the urging of one of the area residents. As a result, further funds were expended to undertake this study. Preliminary findings suggest that noise emanating from the abutting laundry will be below Ministry standards, both for outdoor and indoor activities. Notwithstanding this report, the Ministry of the Environment has requested further studies and additional information based on more detailed site plan design.

We do not feel it is appropriate to continue with detailed technical studies until the merits of the land use have been established. For that reason, it would appear to be premature to do further technical studies until the Committee has made a decision with respect to the land use.

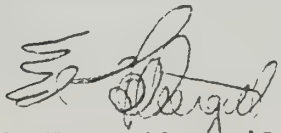
APPENDIX B

We would ask that the matter be brought forward to the earliest Planning Committee agenda possible to have this matter resolved by the Committee.

As you are aware, time is of the essence with respect to this application. We have already had our severance for the property lapse and we must reapply. Our option on the property is also quickly running out and if the project is to proceed, a decision is required from the Committee shortly.

Sincerely,

FOTHERGILL PLANNING AND DEVELOPMENT



E.J. Fothergill, M.C.I.P.
President

EJF

17

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 August 29
DA-91-46 (A-91-122) (DA-90-26)
Thorner Neighbourhood

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner
Planning and Development Department

SUBJECT:

Site Plan Control Application DA-91-46 to amend approved plans of Site Plan Control Application DA-90-26 to provide a reduced setback requirement for a pylon sign at 524 Limeridge Road East.

RECOMMENDATION:

That Site Plan Control Application DA-91-46 by McDonald's Restaurants of Canada Ltd., lessee, of lands known as 524 Limeridge Road East, to amend approved plans of Site Plan Control Application DA-90-26 to provide a setback of 0.0 m instead of the required 3.0 m minimum from the front property line for a pylon sign, be DENIED for the following reasons:

i) the sign as constructed provides no setback from the widened road allowance limits and is currently encroaching upon the widened road allowance limits of Limeridge Road East;

ii) the existing sign contravenes By-law 81-160, subsection 8, "Signs over Sidewalks & Highways"; and,

iii) approval of the existing setback would set an undesirable precedent for future applications requesting relief from the by-law requirements after the full erection of pylon signs.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for an amendment to provide a setback of 0.0 m instead of the required 3.0 m minimum from the property line for an existing pylon sign at 524 Limeridge Road East. The details of the pylon sign are as follows:

- Sign Height - 35' 8''
- Sign Width - 20'
- Sign Depth - 19''
- Materials - Metal, Moulded Plastic

COMMENTS RECEIVED:

The Hamilton-Wentworth Engineering Department has advised that the McDonald's road sign was to be setback 3.0m minimum from the widened road allowance limits of Limeridge Road East. According to the latest revised plan, the sign as constructed provides no setback from the widened road allowance limits and is now encroaching into the road allowance limits of Limeridge Road East.

Although the plan has received approval with respect to grading, the sign encroachment is contrary to the City of Hamilton Streets By-Law and is therefore recommended that the entire sign be relocated to private property.

The Building Department has reviewed the plans submitted and has forwarded the following comments:

"1. The owner has applied to the Committee of Adjustment (A-91:122) requesting that the existing pylon sign continue to be maintained as close as 0.0m to the front property line instead of 3.0m minimum setback.

2. If any portion of the sign is projecting over the road allowance then it would be subject to By-Law 81-160, "Signs over Sidewalks and Highways".

The Traffic Department has reviewed the plans submitted and has no objection to the amendment to the setback.

The Hamilton Street Railway has reviewed the application and is not opposed to the development.

The Freeway Project Office has reviewed the application and has no objection to the setback.

COMMENTS:

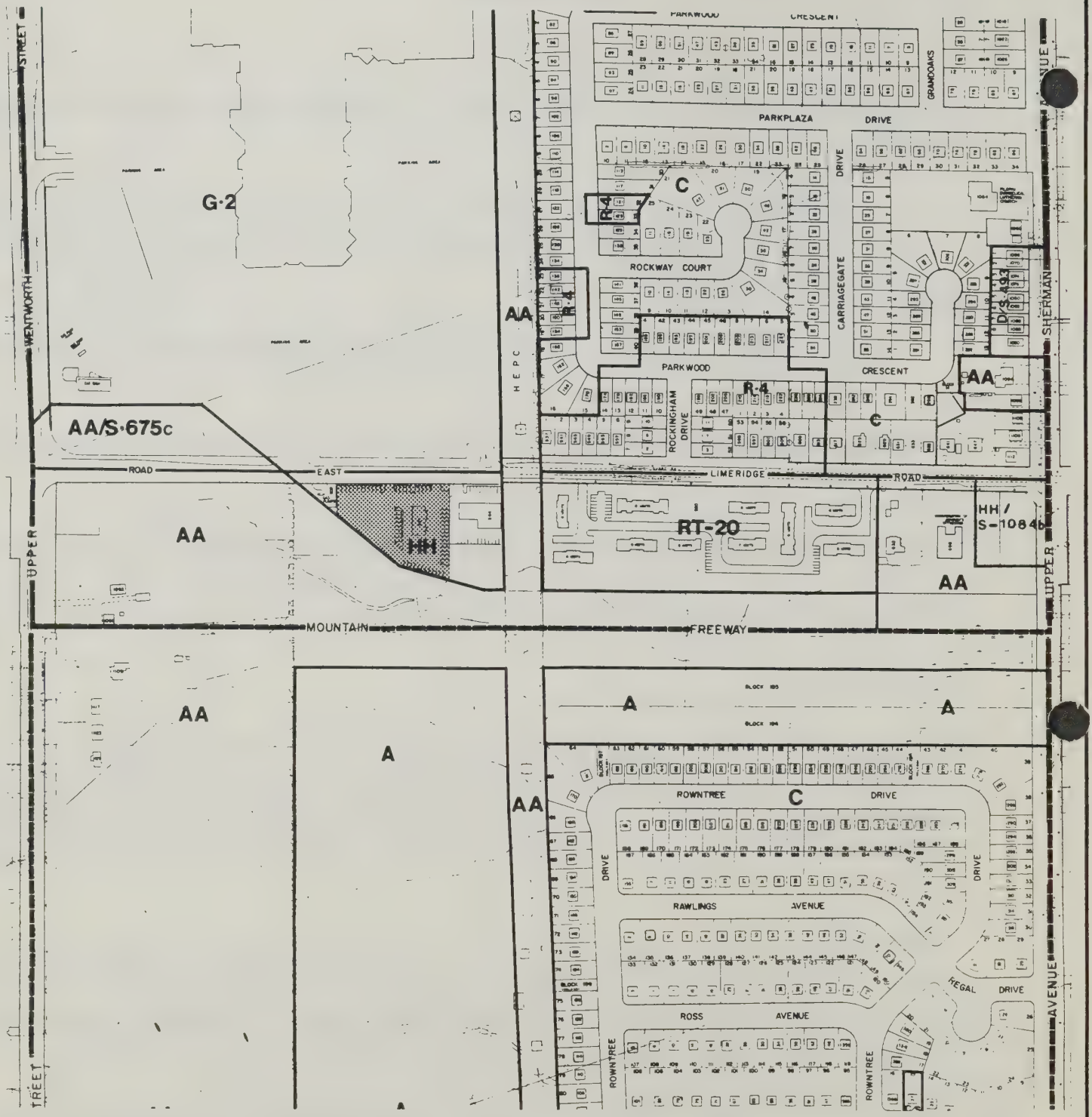
This application cannot be supported since the location of the existing pylon sign is contrary to the minimum 3.0m setback requirement for pylon signs within the "HH" zoning district along Limeridge Road East; and furthermore, approval of the proposed setback would set an undesirable precedent for future pylon sign applications requesting reduced setbacks along Limeridge Road East.

City of Hamilton By-law 81-160, Subsection 8 notes that, "No person shall place, construct, install, maintain or use any display sign structure over any sidewalk and highway without a permit issued under this by-law. To date, the applicant has not applied for a permit and is therefore in contravention of this by-law.

If the sign is to remain in its present location, the variance must be dealt with through the Committee of Adjustment and the sign within the road allowance must be processed through the Regional Engineering Department and the Transport and Environment Committee.

JL/ma
WPDA9146

THORNER No. 130



RUSHDALE No. 118

City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-91-46

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-91-46
	Date	Drawn By
	MAY, 1991	L.B.

CITY OF HAMILTON

- RECOMMENDATION -

18

DATE: September 11, 1991
DA-91-52 (DA-87-86)
Confederation Park "A"
Neighbourhood

REPORT TO: Charlene Coutts, Secretary
The Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Site Plan Control Application DA-91-52 to amend DA-87-86 for an addition to the commercial cold storage facility at 590 Nash Road North.

RECOMMENDATION:

1. That approval be given to Site Plan Control Application DA-91-52 by Oshawa Holdings Ltd., owner, of lands known as 590 Nash Road North for an addition to the commercial cold storage facility subject to the following:

   i) modification to the plan in relation to notes, and dimensions as marked in red on the plan; and,

2. That the following resolution be forwarded to City Council:

   i) That approval be given to register plans of Site Plan Control Application DA-91-52 by Oshawa Holdings Ltd., owners of 590 Nash Road North, to amend the plans of Site Plan Control Application DA-87-86, registered on title on July 20, 1988 as Instrument No. 466524CD.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted to amend the registered plans of DA-87-86 for an addition to the commercial cold storage facility at 590 Nash Road North. Although this application provides information with respect to an addition, and associated parking and loading area, the only area subject to Site Plan Control is the portion of the property abutting the entire Confederation Park road allowance, as per By-law 83-151.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that since this application does not contain a grading plan they have no comment with respect to grading.

Furthermore, should additional landscaping be proposed within the road allowance a revised plan should be submitted for review to their department.

The Building Department has revised their comment of July 19,1991 and has advised that the existing 243 parking spaces are adequate for the proposed development.

The Traffic Department has reviewed the plans submitted and has advised that the proposed site plan does not provide sufficient maneouvering space for truck to access the loading areas. It is therefore recommended that the entire area between the walls of the buildings be paved and not grassed to offer additional maneouvering.

The Hamilton Conservation Authority has reviewed the plan submitted and has forwarded the following comment:

"The Conservation Authority provided comment on the subject property on May 9, 1991. At that time, authority staff noted concerns with the visual and aesthetic impact of the recent addition (on Confederation Drive), to the entrance of Confederation Park. In order to maintain a park-like setting in the vicinity of the main entrance, authority staff requested, in addition to the proposed landscaping plan ("schedule A" to the site plan agreement), an
80 mm caliper street tree planting of White Ash (12 metres on centre), continuously along the property line fronting Confederation Drive (refer to attached letter).

The submitted site plan does not address the Conservation Authority's concerns with visual impact and aesthetics.

In conclusion, authority staff request that the site plan be amended to incorporate the above noted requirement of a street tree planting continuously along the property line. We note that the Langs property line is very close to the edge of the existing building, and recommend that if the trees cannot be planted within the right of way, that the building be moved back to accommodate the requested tree planting."

The Parks Division reviewed the plan submitted and has forwarded the following comments:

"As a follow up to your letter dated June 11, 1991 with respect to tree planting at the above location, forestry staff have reviewed your plan and visited the site of the proposed addition.

We would not recommend tree planting along Confederation Drive as this are is not conducive for tree planting due to the existing drainage ditch.

With respect to the proposed addition, forestry staff feel the existing plant material is adequate but requires time to mature.

We would also recommend protection to existing plant material during the construction process."

The Hamilton Street Railway has reviewed the application and is not opposed to the application.

COMMENTS

Various modifications are required to the plan in relation to notes, and dimensions and have been marked in red on the plans.

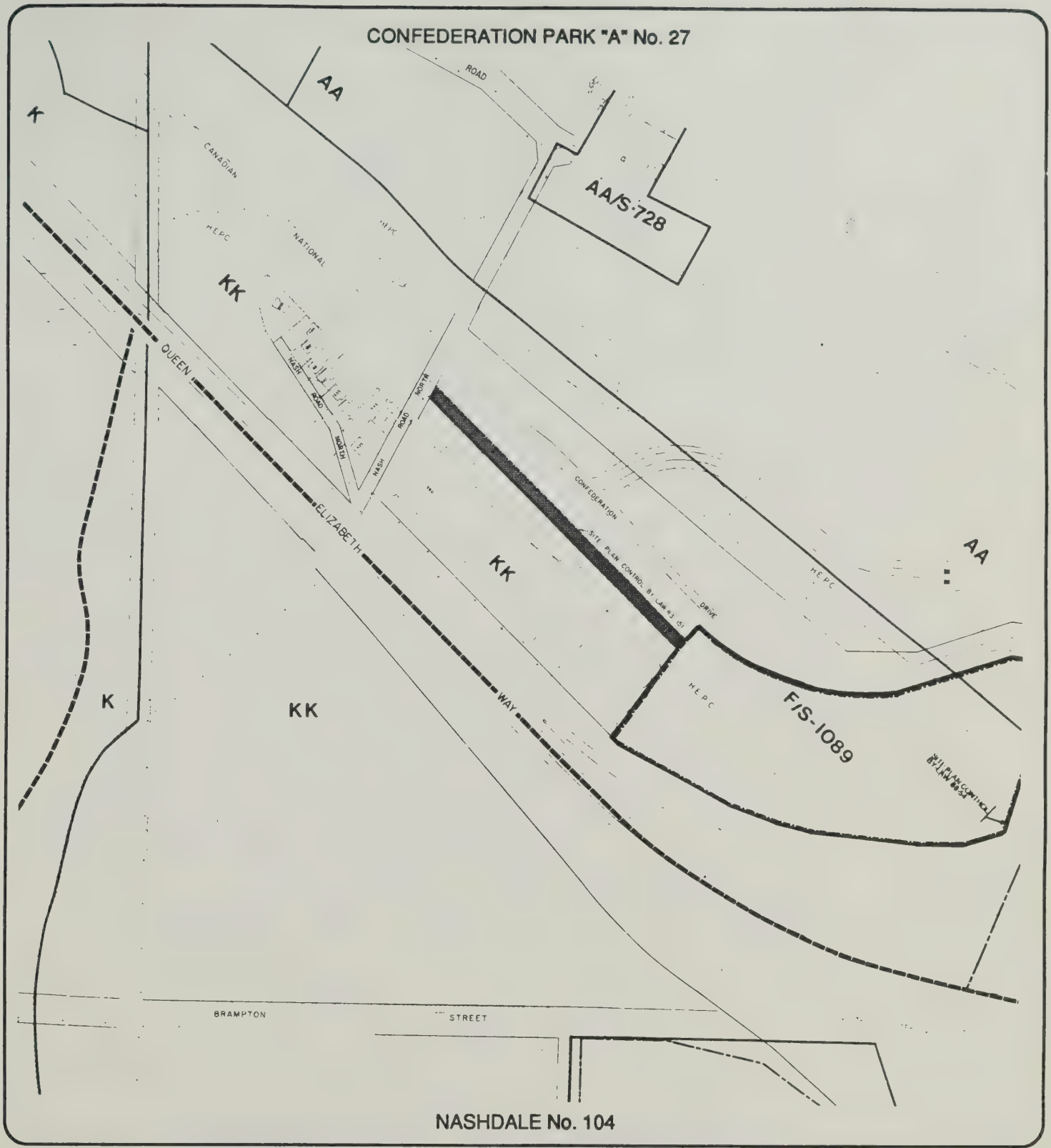
With respect to the comments made by the Engineering, Building, and Traffic Department the applicant has agreed to modify the plans accordingly and as shown in red on the plan.

With respect to the comments made the Hamilton Region Conservation Authority the applicant has indicated that they are in agreement with the Parks Division, which feel that given time, the existing planting will mature and provide sufficient screening for the development.

This department also concurs with the Parks Division, and recommends that the landscape plan be approved as shown on the plan.

Furthermore, it should be noted that the previous plans and drawings under DA-87-86 were registered on title as Instrument No. 466524CD. Thus, it is recommended that a resolution be forwarded to City Council requesting that the plans and drawings of DA-91-52 amend the existing registered agreement.

JL/ma
WPDA9152



City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-91-52

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-91-52
	Date	Drawn By
	JUNE, 1991	L.B.

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

Mrs. J. MacAnanama
Chief Librarian

L8N 3T4

TEL: 546-2700
FAX: 546-2095

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

1991 September 27

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1991 OCTOBER 2
9:30 O'CLOCK A.M.
ROOM 233, CITY HALL

Charlene J. Coutts, Secretary
Planning and Development Committee

AGENDA

1. Consent Agenda.

DELEGATION

2. Request for Amendment to By-law 88-9, re: Roof Leaders Requiring Direct Connection to Storm Sewers (Mr. F. Vermeulen, Trevor P. Garwood-Jones Architects Inc., and Mr. C. Gage, Victoria Park Community Homes).

REFERRAL FROM CITY COUNCIL

3. Letter dated 1991 September 9 from C.P. Rail, respecting the former T.H. & B. Roundhouse.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. Application for Demolition of 74 Charlton Avenue East.

5. **ALDERMANIC REFERRAL**

(Private and Confidential)

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

6. Zoning Application 91-36, S. T. Young, owner, for a modification to the "DE-3" District regulations for property at 234 MacNab Street South; Durand Neighbourhood.

   (a) Submission - Mrs. Ruth McCraig
   (b) Submission - Mr. and Mrs. John Collins, 261 MacNab Street South, Hamilton.

7. Zoning Application 91-42, H. A. Hader, owner, for a modification to the "C" District regulations for property at 161 Delaware Avenue; St. Clair Neighbourhood.

   (a) Submission - Mr. Charles Forsyth, 175 Delaware Avenue, Hamilton.
   (b) Submission - Mr. Albert Alexanian, 230 King Street East, Hamilton.

8. Zoning Application 91-44, C. M. Healey, owner, for a modification to the "C" District regulations for property at 126 Lilacside Drive; Thorner Neighbourhood.

   (a) Submission - Mr. and Mrs. R. Hall, 114 Lilacside Drive, Hamilton.

10:45 O'CLOCK A.M.

9. Zoning Application 91-45, J. and M. Miklos, owners, for a change in zoning from "AA" to "C" for part of lands at 1062 and 1088 Upper Paradise Road; Falkirk West Neighbourhood.

10. Zoning Application 91-46, C. Pies Inc., prospective owner, for a change in zoning from "C" to "HH" for property at 27 Rymal Road West; Kennedy East Neighbourhood.

    (a) Submission - Mr. Ken Rosart, Rosart Properties Inc., 226 South Service Road East, Oakville.
    (b) Submission - Ms. Nidae Abbas, Real Estate Representative for McDonald's Restaurants of Canada Limited, Toronto.

11. Zoning Application 90-74, A. Biggs, owner, for a modification to the "D" District regulations for property at 49 Holly Avenue; McAnulty Neighbourhood.

12. **OTHER BUSINESS**

13. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

ITEM	ORIGINAL DATE	ACTION	STATUS
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review underway
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed

ITEM	ORIGINAL DATE	ACTION	STATUS
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
Petition - Disbanding of Jamesville B.I.A.	1991 June 19	Public Works	Pending Public Meeting - Report to follow.
City Initiative - 1100 Limeridge Rd. E. - for Senior Citizens apartments.	1991 July 24	Planning	To be processed
Public Meeting - Carter Square, Neighbourhood Plan Amendment	1991 July 24	Planning	Report Pending

"Copy sent to Mr. L. King, Building Commissioner - 1991 September 24th".

Trevor P. Garwood-Jones Arc
The Cooperage 185 Young St Hamilton Ontario L8N 1V9

2

Se

RECEIVED
SEP 23 1991
CITY CLERKS

City of Hamilton
City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

ATTENTION: Ms. Charlene Coutts
Secretary of Planning and Development Committee

SUBJECT: MacCuish Court Townhouses

Dear Ms. Coutts:

We are presently constructing a 32 unit townhouse project on Upper Gage Street in Hamilton, and we have encountered surface bedrock thoughout the site. The use of splash pads under all downspouts would be a more effective and efficient way of handling roof water. All surface water will be handled within the site itself, and 9 catch basins have been proposed to handle this drainage.

By-Law 88-9 respecting roof leaders requires direct connection into storm sewers, and we request an amendment to this Bylaw requirement.

We request to appear before your next Planning and Development Committee meeting October 2, 1991 to discuss this matter. Our delegation will include Fred Vermeulen of Trevor P. Garwood-Jones Architects Inc., and Colin Gage of Victoria Park Community Homes.

Yours very truly,

Chris Gatt
CG/ak185

c.c. Victoria Park Community Homes - Mr. C. Gage

Associates
Joseph Bolf, MAATO
John Bradley, Projects Manager
Ross Hanham, B.L.Arch
Joanne McCallum, B.A., M.E. Des. (Arch), MRAIC, OAA
Jack McCollum, BES, B. Arch, MRAIC, OAA
Greg Sather, B.Arch, MRAIC, OAA
Fred Vermeulen, B.Arch, MRAIC, OAA

CORPORATION OF THE CITY OF HAMILTOI

3

MEMORANDUM

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TO: Miss C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. J. Schatz
Deputy City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-2727

SUBJECT: CP RAIL

DATE: 1991 September 26

Attached please find a copy of a letter dated September 9, 1991 from CP Rail respecting the former TH&B Roundhouse which City Council at its meeting held September 24, 1991 referred to the Planning and Development Committee.

att.

c.c.: Mr. D. W. Vyce, Director of Property
Mr. A. Georgieff, Director of Planning
Mrs. B. Carter, Secretary, L.A.C.A.C.

Union Station
65 Front Street West, Room 354
Toronto, Ontario M5J 1E8
Tel (416) 863-8020, Fax (416) 863-8577

CP Rail

SEP 13 1991

G R Mackie
Executive Vice-President

Toronto, September 9, 1991

His Worship
Mayor Robert M. Morrow
City of Hamilton
City Hall
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Dear Mayor Morrow:

Subject: Former TH&B Roundhouse

This refers to your letter of August 5, 1991 addressed to Mr. I.B. Scott, concerning the former TH&B Roundhouse at Hamilton, Ontario.

In our discussions with Alderman McColloch, CP Rail has outlined its concerns over the condition of the former Roundhouse which represents a serious liability to the Company. Mr. Cairns confirmed these concerns to Alderman McColloch in his letter of August 20, 1991. However, we are not opposed to delaying our plans to demolish the building, in order to permit the City an opportunity to secure funding for the purchase of the property and rehabilitation of the building.

CP Rail is prepared to delay demolition of the Roundhouse until November 30, 1991. To do this, we must ask the City to assume liability for the building and compensate CP Rail for any costs associated with this delay, such as the termination of the demolition contract. Would you please confirm that this is acceptable.

Mr. Cairns would be pleased to work with the City's representatives to resolve purchase matters. I wish you every success in this initiative.

Sincerely,

G.R. Mackie

ROBERT M. MORROW
MAYOR

Hamilton

August 5th, 1991

Mr. I. B. Scott, C.E.O.
C.P. Rail
P.O. 6042, Station A
MONTREAL, Quebec
H3C 3N4

Dear Mr. Scott:

RE: C.P. RAIL (FORMER T.H. & B.) ROUNDHOUSE

I would like to draw your attention to a matter of concern related to a C.P. Rail property in the City of Hamilton. There is a 16 acre site located in the south-west section of our city where a very remarkable complex of historic railway structures is located, the most important of which is a 27-stall roundhouse complete with a 100 ft. turntable.

We recognize the need for C.P. Rail to dispose of surplus properties but given the uniqueness of the buildings we are requesting time to pursue other alternatives to the proposed demolition of these structures. I have been advised recently that C.P. Rail is considering demolishing these structures some time around the end of July, 1991.

Hamilton City Council at its last meeeting on July 30th supported a request for a three month delay to allow investigation into other possible uses. Council also supported a request to the Provincial Government to consider the Roundhouse as the future location for their proposed Museum of the Working Man.

The C.P. Rail Roundhouse and adjacent buildings are considered to be an irreplaceable resource which forms an integral part of Hamilton's industrial heritage. The three month delay of demolition would give the city the opportunity to explore possible alternative solutions. We thank you for the consideration of this matter.

Yours sincerely,

Robert M. Morrow
Mayor

/pb.

cc: Ald. Dave Wilson
Mr. Len Clarke, Superintendent Ontario South

City Hall
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone: (416) 546-2790

Address: cc Mr. Len Clarke, Superintendent
Ontario South
C.P. Rail
Room 222, Union Station
Toronto, Ont. M5J 1E8

L A C A C

LOCAL ARCHITECTURAL CONSERVATION ADVISORY

4

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R E C O M M E N D A T I O N

REPORT TO: Charlene Coutts
Planning and Development
Committee Secretary

DATE: 25 September 1991

FROM: Rob Brough, LACAC

SUBJECT: **Application for Demolition of 74 Charlton Avenue East**

RECOMMENDATION:

That the application for a demolition permit for the designated property at 74 Charlton Avenue East not be processed unless a development permit has been issued by the Niagara Escarpment Commission.

BACKGROUND:

1. As requested by the Building Department, the Planning and Development Committee referred (on August 21, 1991) the application to demolish 74 Charlton Avenue East to LACAC for comment.

2. The building was designated by Council under the Ontario Heritage Act on April 30, 1991, at the owner's request.

3. The property is located within the Niagara Escarpment Commission's development control area. The Minister of Municipal Affairs has twice refused permission to demolish the house at 74 Charlton Avenue East as a result of two separate NEC Hearings in 1987 and 1990.

4. The Law Department has advised that the City cannot issue a demolition or building permit until the NEC has issued a development permit (see attached memo).

CONCLUSION:

Given the Law Department's recommendation and the designated status of the property, the application for a demolition permit should not be processed unless the NEC issues a development permit.

RECEIVED
PLANNING & DEVELOPMENT
AUG 13 1991
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

LAW DEPARTMENT
MEMORANDUM

TO: Mr. L. C. King
Building Commissioner
Attention: Mr. W. Wong

FROM: Lorne E. Farr
Assistant City Solicitor

OUR FILE: 40-98.90.16
PHONE: 546-4685

SUBJECT: 74 Charlton Avenue East

DATE: August 12, 1991

Your memo of August 2, 1991 indicates Mr. Whelan, the lawyer for the property owner, applied for a demolition permit. As you state, the site is under the jurisdiction of the Niagara Escarpment Commission. The house was designated as a historical property by by-law 91-76 after a Conservation Review Board Hearing.

Under the Ontario Heritage Act, on receipt of a request to demolish a designated structure, the Council shall consult with LACAC and shall consider the demolition request within 90 days of receipt (Section 34). If the Council decides to deny the application, the owner is prevented from demolishing the building for 180 days from the date of Council's decision.

As I discussed with your department regarding 105 Aberdeen Street, the Heritage Act section 34(4) states that after the 180 day waiting period, the owner can demolish the building subject to the provisions, of any other act. This would include the demolition provisions of the Planning Act, where Council can refuse a demolition permit for a residential dwelling until a building permit has been applied for.

Therefore, if 74 Charlton Avenue East is a dwelling unit as defined by section 33(1) of the Planning Act and if the property is in an area of demolition control, then Council could refuse to issue the demolition permit until a building permit has been issued. The applicant could appeal this refusal to issue a permit, to the Ontario Municipal Board.

Moreover, as this property is under the jurisdiction of the NEC, the City cannot issue a demolition or building permit until the NEC has issued a development permit. Therefore, we recommend your Department inform Mr. Whelan that his application for a demolition permit cannot be processed until the NEC issues a development permit allowing the demolition.

Lorne E. Farr
Assistant City Solicitor

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
AUG 13 1991
REC. BY _____ DATE _____
REF'D TO _____ DATE _____
REF'D TO _____ DATE _____
REF'D TO _____ DATE _____

LEF:bj
c.c. Mr. A. Georgieff
Director of Planning
Attention: Ms N. Chapple

6

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 25
ZA-91-36
Durand Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in zoning - No. 234 MacNab Street South.

RECOMMENDATION:

That Amended Zoning Application 91-36, Shirley T. Young, owner, requesting a modification to the established "DE-3" (Multiple Dwellings) District regulations, to permit a two-family dwelling with 9 lodgers, for property located at No. 234 MacNab Street South, as shown on the attached map marked as APPENDIX "A" be **DENIED** for the following reasons:

i) It conflicts with the intent of Policy C.7.1. i) of the Official Plan, in that adequate off-street parking cannot be provided;

ii) It is an overintensification of land use, in that no off-street parking can be supplied whereas seven (7) parking spaces are required; and,

iii) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant has amended the zoning application and is requesting a zoning modification to permit a two-family dwelling with 9 lodgers.

- Site Inspection /Additional Information

  A site inspection revealed that the building contains 2 self contained apartments, 9 lodging rooms, 2 shared kitchens and two shared bathrooms. The kitchens on the second and third floors were established in 1972. The Building Department has no record of conversions or of any previous licence for a lodging or boarding house. The applicant purchased the property in 1973, as is, and has continued to use it for lodging purposes. No parking spaces are provided on site.

- Application for Lodging House Licence

  On March 25, 1991, the applicant applied for a lodging house licence to permit a total of 9 lodgers. It appears from the records in the Building Department, that the Fire Department initiated action through an inspection of the property. In this regard, the applicant was advised to obtain the necessary lodging house licence. The lodging house licence was denied by the City Licensing Department on the grounds that the proposed use was contrary to Section 10C of Zoning By-law No. 6593.

APPLICANT:

Shirley T. Young, owner.

LOT SIZE AND AREA:

- 19.75 m (64.81 ft.) of lot frontage on MacNab Street South;
- 28.95 m (95.0 ft.) of lot depth; and,
- 537.147 m^2 (5,782 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Two-family dwelling with 9 lodgers	"DE-3" (Multiple Dwellings) District

Surrounding Lands

to the north	two-family dwelling	"DE-3" (Multiple Dwellings) District
to the south	one and two family dwellings	"DE-3" (Multiple Dwellings) District
to the east	apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan and located within SPECIAL POLICY AREA 3 on Schedule "B" - SPECIAL POLICY AREAS of the Official Plan. The following policies, would apply, among others:

"A.2.1.1. The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;
ii) Other similar actions or matters as Council may deem appropriate.

A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the residential policies of Subsection A.2.1 and C.7, and Policy A.2.8.1 (ii);

i) It is the intent of Council to strengthen the residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population; and,

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged."

On the basis of the foregoing, the proposal would conflict with the intent of Policy C.7.1 i) of the Official Plan in that adequate off-street parking cannot be provided. However, should the application be approved an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

Designated for "LOW DENSITY APARTMENTS" on the approved Durand Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "A licence will be required, as well as seven (7) car parking spaces."

- The Traffic Department has advised that:

  "In response to your memo of 1991 September 10 in which you informed us that there are 2 self-contained dwelling units in addition to the 9 lodging rooms in the original application, we have the following comments.

  The proposal would now need 7 parking spaces and it continues to be impossible to supply any parking on-site. The on-street parking in the area is heavily utilized and this application is not going to improve the situation any.

  However, if this is indeed an ongoing situation since 1973 as the application states and this application is to merely legalize an existing situation, then it is unlikely that this site will deteriorate the on-street parking congestion/problems any further."

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any works which may occur within the MacNab Street South road allowance must conform to the City of Hamilton Streets By-laws.

  The Traffic Department is to comment on access and parking, etc."

- Heritage Planning has advised that:

  "The above-referenced building is listed on the Inventory of Buildings of Architectural and/or Historical Significance, and Heritage Planning feels that it is important to retain its heritage character."

- The Hamilton Region Conservation Authority, The Licence Division of the City Clerks Department and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal does not comply with the intent of Policy C.7.1. i) of the Official Plan in that adequate off-street parking cannot be provided. However, if the application is approved, an Official Plan Amendment would not be required.

2. The proposal complies with the intent of the approved Durand Neighbourhood Plan.

3. The applicant claims that the requested uses have been established since at least 1973, at which time she purchased the property "as is". However, a Zoning Verification Certificate was not applied for at the time of purchase. In this regard, the Building Department has advised that the legal use is a single-family dwelling.

   Although the proposal appears to have existed harmoniously with surrounding residential uses, the application cannot be supported for the following reasons:

   i) it conflicts with the intent of Policy C.7.1. i) of the Official Plan, in that adequate off-street parking cannot be provided;

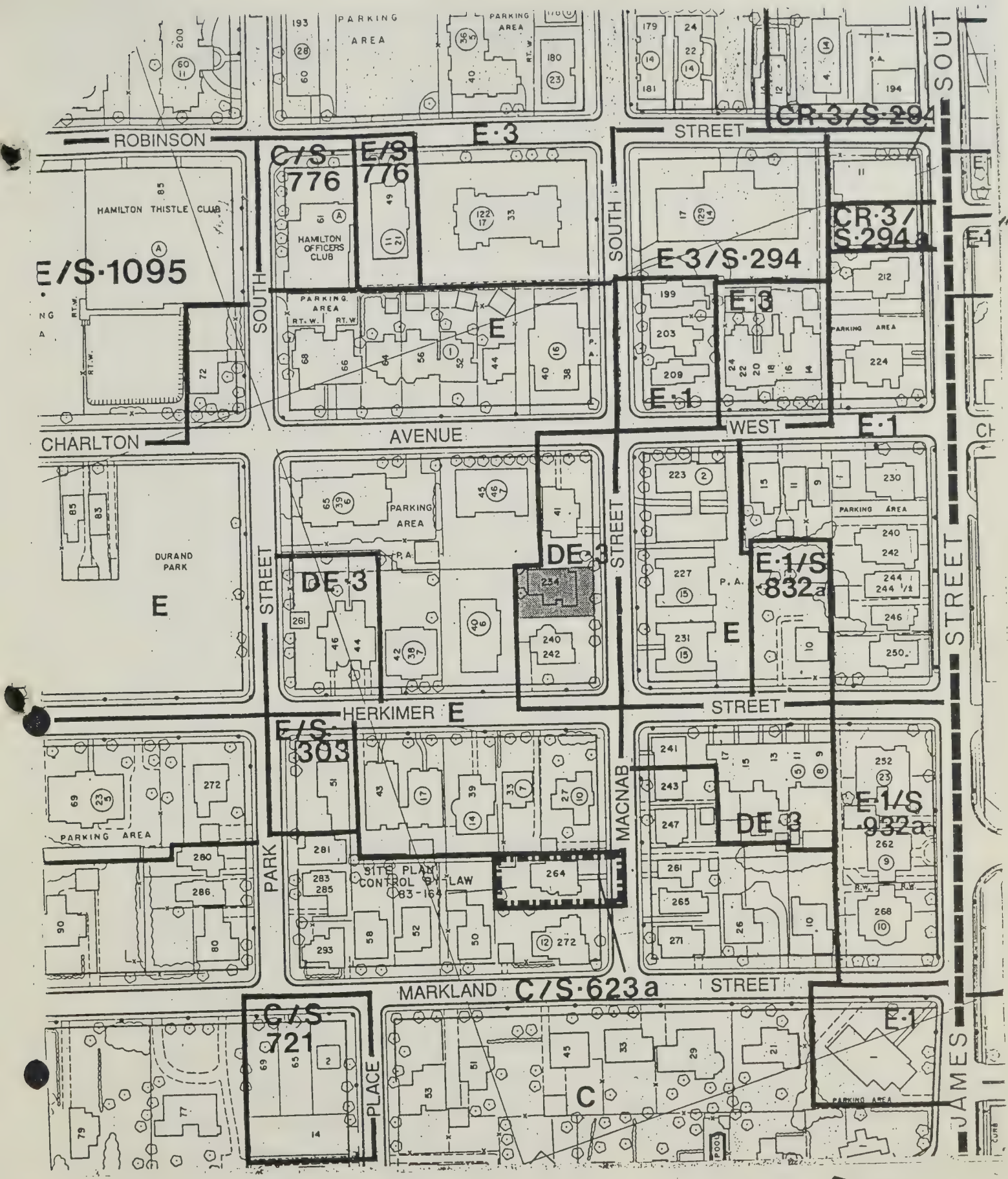
   ii) it is an overintensification of land use in that no off-street parking can be supplied, whereas seven (7) parking spaces are required. In this regard, the Traffic Department has advised that on-street parking in the area is heavily utilized; and,

iii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/ma
ZA9136



Legend

Site of the Application

ZA 91-36

APPENDIX A

"Copy sent to Mr. A. Georgieff, Director of Local Plannin
and Ms. Patrice Noé Johnson, City Solicitor - Law Departm
1991 September 16th".

RECEIVED
SEP 16 1991
CITY CLERKS

6a

September 11, 1991

Dear Sirs:

Having walked to visually inspect #234 Mallab St. S., I have signed the card in the affirmative but have a number of concerns. I have no objection whatsoever to extra space in these large old houses being used by those who need a place to live. I am delighted to have them preserved in this neighborhood rather than torn down and replaced by a much less architecturally-interesting structure.

However, having observed a certain amount of block-busting going on in the southwest area of Hamilton in the past - fortunately halted by the Durand Neighborhood movement, I want to be assured that this is not such a case, indeed the thin edge of the wedge again.

The reason I raise this is because I am disturbed by the look of the property. I realize the city cannot dictate maintenance and landscaping on private property. But the unkempt appearance bothers me. If there are nine lodgers, cannot the owner afford to have the surrounding 'jungle' attended to? Behind all that mass of greenery it was hard to determine the overall condition of the house but it looked very shabby to me compared to a picture I took of the house a few years ago and the interesting architectural features are almost totally obscured. Also the windows and the

RECEIVED
SEP 16 1991
CITY CLERKS

interior treatment make me wonder what kind of lodgers these are. I also wonder if the fire dept. inspections have been thorough and the house has been carefully protected in case of careless lodgers. I hate to even bring this up but as my daughter lives in Toronto on Ontario St. — one of the renovated neighborhoods of Victorian Cabbagetown — and, with her neighborhood friends, ~~she~~ is alert to a few of the dwellings on the street which are known to the police as 'crack' houses; what would never have occurred to me before is now regretfully something I'm forced to think about. So I'd also like to know if the police have had any reason to keep an eye on this property. Maybe I'm just imagining things ~~suggested~~ by that mysterious jungle.

I am also aware that there are half-way houses for unfortunates in our society scattered throughout the southwest. I know of one or two on Charleton & Herkimer and have no objection to those but they are kept up in reasonable condition to conform to the neighborhood which I believe to be part of the rehabilitation process.

Sincerely,

(Mrs) Ruth W. McCraig

"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Department 1991 September 13th".

6b

261 MacNab Street South
Hamilton, Ontario L8P 3E2

THIS PROPERTY (AND THE ONE BESIDE IT) IS A DISGRACE. PLUS THERE IS NO PARKING SPOT WITHIN BLOCKS OF OUR HOUSE DURING THE DAY (SINCE IT IS THE AUXILERY PARKING LOT FOR ST JOSEPH'S HOSPITAL) WHICH MEANS COMPANY AND SERVICE TRUCKS MUST ILLEGALY PARK SO WHERE WOULD 9 TENANTS FROM 234 PARK?

RECEIVED
SEP 13 1991
CITY CLERKS

7

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 24
ZA-91-42
St. Clair Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in zoning - No. 161 Delaware Avenue.

RECOMMENDATION:

That Zoning Application 91-42, Henry A. Hader, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established four-family dwelling, on property located at No. 161 Delaware Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) It is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;

ii) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area;

iii) Approval of this application would be contrary to the intent of By-law 76-229 (St. Clair Neighbourhood Rezonings) which downzoned this area from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District, in effect, eliminating the potential for townhouses and permitting conversions to two-family dwellings only;

iv) It is contrary to recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the application is to legalize the established four-family dwelling. On the basis of information provided by the applicant, the four dwelling units have floor areas ranging from 850 sq.ft. to 1000 sq.ft. Off-street parking can be provided for 5 cars, 1 in the existing accessory garage and 4 cars in the side yard.

- Zoning Verification

  On March 29, 1989 a Zoning Verification Certificate was issued by the Building Department to the former owner of the property (see APPENDIX 'B') advising, that the legal use is a single-family dwelling, but that conversion of the dwelling to a two-family dwelling may be possible under Section 19 of the By-law.

- Orders to Comply

  On May 31, 1989 an Order to Comply (see APPENDIX "C") was issued to the current owner/applicant concerning commencement of construction without obtaining the required building permit.

  On June 19, 1989 an Order to Comply (see APPENDIX "D") was issued to the current owner/applicant concerning the use of the building as a four (4) family dwelling instead of the legal use as a single-family dwelling.

- Court Action

  On August 19, 1991 the applicant appeared before the By-law Court on the charge of the unlawful use of the premises as a four-family dwelling. Because the evidence submitted was insufficient, as determined by the Justice of the Peace, the charge was dismissed.

- Land Severance Application

  At its meeting held on December 6, 1988, the previous owner of the property applied for a land severance through the Regional Land Division Committee (Application H-189-88), to convey a vacant parcel of land measuring 30' x 100' for residential purposes, and to retain the balance of the holding measuring 50' x 100' which is occupied by a SINGLE-FAMILY DWELLING.

The application was DENIED by the Committee for the following reasons:

1. It does not appear to be in the interest of proper planning and development;
2. It does not comply with the requirements of the Zoning By-law;
3. It does not comply with Section 50(4) of the Planning Act.

- By-law 76-229

By-law 76-229 respecting the St. Clair Neighbourhood, downzoned this area from a "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to a "C" (Urban Protected Residential, etc.) District. The effect of downzoning is to eliminate potential for townhouses and reduce residential conversions to a maximum of 2 dwelling units as opposed to 3 dwelling units under the former "D" District.

APPLICANT:

Henry A. Hader, owner.

LOT SIZE AND AREA:

The subject property has:

- 24.38 m (80.0 ft.) of lot frontage on Delaware Avenue;
- 30.0 m (100.0 ft.) of lot frontage along Holton Avenue South; and,
- 145.2 m^2 (8,000 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	four-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	single-family dwelling	"C" (Urban Protected Residential, etc.) District

to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Residential Care Facility	"C" (Urban Protected Residential, etc.) District
to the west	three-family dwelling	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to the following policies, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity.

i) Provision and maintenance of adequate off-street parking.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal conflicts with the intent of policies A.2.1.8 and C.7.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE, DOUBLE and ATTACHED HOUSING" on the approved St. Clair Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. A multiple dwelling, containing four (4) dwelling units, is not permitted.

  2. Our records indicate the use is a legal single-family dwelling only.

  3. The "C" zoning district permits the conversion to a two-family dwelling subject to the provisions of Section 19 of Zoning By-law 6593.

  4. A four unit multiple dwelling requires to provide five (5) parking spaces located on the lot not located in the required front yard.

  5. This Department issued an Order to Comply to reduce the occupancy to a single-family dwelling and is presently set for trial on August 19, 1991 (copy of Order to Comply attached)."

- The Traffic Department has advised that:

  "The attached plan shows the parking layout as recommended to the applicant by our Department. We find this application to be satisfactory subject to the required parking being provided on-site as shown on the attached plan." (see APPENDIX "E").

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any works within the adjacent road allowances must conform to the City of Hamilton Streets By-law.

  The Traffic Department is to comment on access."

- The Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department and Heritage Planning Staff have no comments or objections.

COMMENTS:

1. The proposal conflicts with the intent of Policies A.2.1.8 and C.7.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

2. The proposal would not conflict with the intent of the approved St. Clair Neighbourhood Plan.

3. The proposal cannot be supported for the following reasons:

   i) it is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominately occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;

   ii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area;

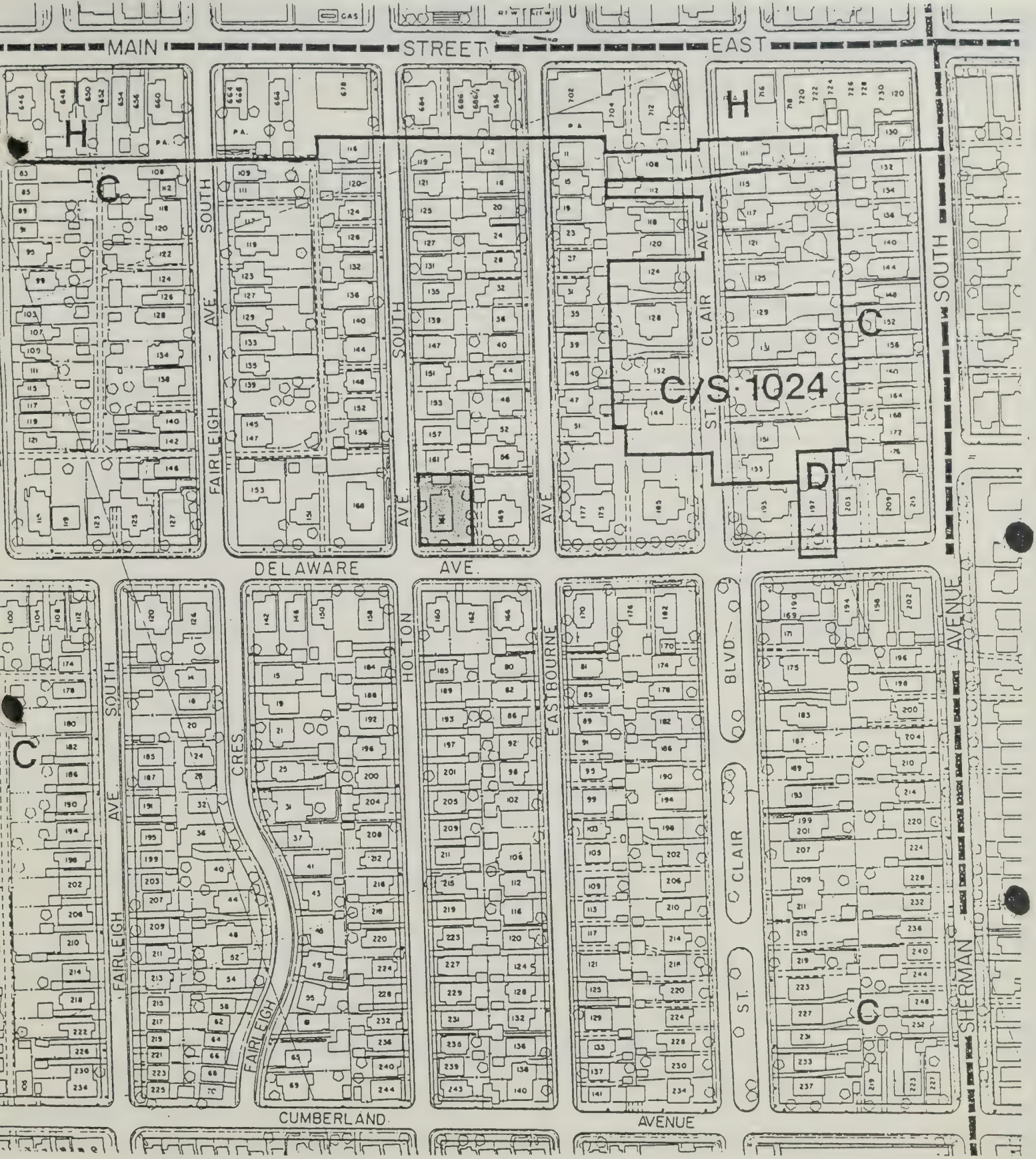
   iii) By-law 76-229 respecting the St. Clair Neighbourhood rezonings was passed by City Council and resulted in the downzoning of this area from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District. The effect of the downzoning to "C" is to eliminate the potential for townhouse development and to permit the conversion to a two-family dwelling subject to the provisions of Section 19 of the Zoning By-law, as opposed to the conversion to a three-family dwelling under the former "D" District. Approval of this application would be contrary to the intent and purpose of By-law 76-229; and,

   iv) the proposal conflicts with recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/ma
ZA9142



LEGEND

SITE OF THE APPLICATION

ZA 91-42

APPENDIX A

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO 526-2720

ZONING VERIFICATION CERTIFICATE

667

667

FOR 161 (MUNICIPAL NO) Delaware (STREET) 63 and 64 (LOT NO.) (SIDE OF STREET)

BETWEEN _____ (STREET) AND _____ (STREET)

OWNER Marash Luigjuraj ADDRESS _____

PROPOSED USE (BE SPECIFIC) two family dwelling

NUMBER OF DWELLING UNITS 2

PRESENT USE (BE SPECIFIC) two family dwelling NUMBER OF DWELLING UNITS _____

EXISTING BUILDING [x]
PROPOSED BUILDING [ ]
VACANT LAND [ ]

INFORMATION REQUESTED BY AND ADDRESS TO WHICH CERTIFICATE WILL BE RETURNED.

SIGNATURE _____

NAME Cain, Gzik, Gardner

ADDRESS 340 Main East

Hamilton, Ontario L8N 1J1

SURVEYS (2) YES [2]
ATTACHED? NO [ ]

DATE March 9, 1989

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A C DISTRICT.

SEE SECTION 9 OF ZONNING BYLAW 6593 AS AMENDED BY BYLAW No. -

AND COMMITTEE ADJUSTMENT No. - DISTRICT MAP No. E-23

THE PROPOSED USE: IS PERMITTED [x] IS NOT PERMITTED [ ] IS A LEGALLY ESTABLISHED NON CONFORMING USE [ ]

THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES [ ] NO [x]

COMMENTS Our records indicate a legal single family dwelling only.
It may be possible to convert to a two family dwelling under Section 19 of by-law.
A building permit is required for any new construction.
The location of the dwelling is legal non-conforming.
The garage is approved as shown.

MAR 30 1989

re-typed-photo copy sent

IMPORTANT: – THIS IS A ZONING VERIFICATION ONLY.

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FORM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No. 48864

ZONING VERIFICATION CERTIFICATE ISSUED BY
H.G. (Paul Kuppe/gs
BUILDING COMMISSIONER

FEE $ 20.00

DATE March 29/89

FORM No 266

APPENDIX B

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Mr. H. Hader	161 Delaware (RES)
345 Berkindale Drive	HAMILTON, Ontario.
Hamilton, Ontario	
L8E 3R8	

TAKE NOTICE THAT THE construction (interior alterations)
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, R.S.O. 1980, Chapter 51, as amended, Section 5(1)	Construction at the above address has commenced without the required permit being issued by the Chief Official.
		REQUIREMENT TO COMPLY: Obtain permit for all construction at the above address.
		"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e)."

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~/WITHIN seven (7) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	May 31, 1989	M. Oprolu 526-3984	May 31, 1989
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782
8 AM - 9 AM

FORM 1004
SBF BUSINESS FORMS INC.

APPENDIX C

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Henry Alphonse Hader	161 Delaware Avenue (RES)
Sophie Hader	HAMILTON, Ontario.
345 Berkindale Drive	
Hamilton, Ontario L8E 3R8	

TAKE NOTICE THAT THE use of dwelling
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-Law 6593, as amended, Section 9	The building is being used as a four (4) family dwelling. REQUIREMENT TO COMPLY: Reduce occupancy to a single family dwelling or legalize the present use.

"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e)."

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~ WITHIN ninety (90) days

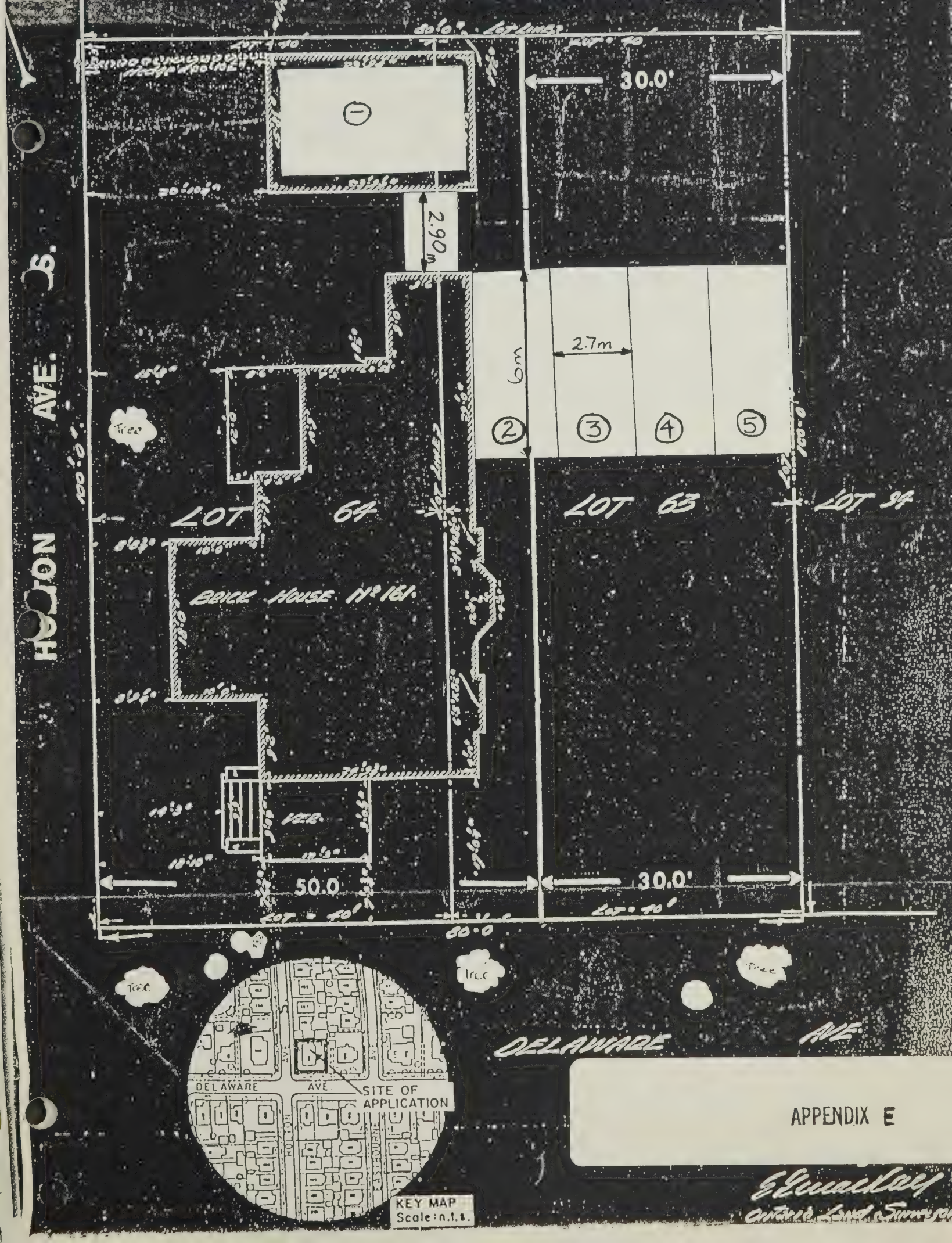
AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	June 19, 1989	M. Oproiu 526-3984	June 19, 1989
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782

FORM 94

APPENDIX D


HOLTON AVE.
30.0'
2.90m
2.7m
6m
1
2
3
4
5
LOT 64
LOT 63
LOT 94
BRICK HOUSE N° 161.
50.0
30.0'
60.0
DELAWARE AVE.
DELAWARE AVE
SITE OF APPLICATION
KEY MAP
Scale: n.t.s.
APPENDIX E

ZA 91-42

7a

The Armorial Bearings of Forsyth of that Ilk

OFFICE OF CHARLES H. FORSYTH
175 Delaware Avenue,
Hamilton, Ontario L8M 1V9
(416) 544-0402

August 22, 1991

Planning Dept.,
City Hall,
Main Street West,
Hamilton, Ontario

Sirs: Re: ZA 91 - 42
161 Delaware Avenue - H Hader

I wish to record opposition to the application to regularize (in some fashion) the use of the premises as a 4-family dwelling.

This is a totally inappropriate use of the dwelling, which is within a protected neighbourhood. The subject property cannot provide adequate parking, and it is hard to see how the 4 units could in all cases meet minimum size standards.

In any event, such a permission would fly in the face of the stated policy of the City with respect to intensification in the neighbourhood. If the city's policy is to have any credibility; and if neighbourhood conservation is to go hand in hand with viable intensification (as the policy seeks to mandate), then this application must be denied.

Yours truly,

Charles H. Forsyth

cc Ald D Drury
Ald B Hinkley

"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Departme 1991 September 24th".

7b

Alexanian carpet

HEAD OFFICE: 230 KING ST. EAST, HAMILTON, ONTARIO L8N 1B5 TEL.: (416) 522-6806 • FAX: (416) 522-7789

September 16, 1991

RECEIVED
SEP 20 1991
CITY CLERKS

The Corporation of the
City of Hamilton
Planning and Development Committee
71 Main St. West
Hamilton, Ontario
L8N 9Z9

Re: File no. ZA-91-42

Re: Proposed change - modification to the "C" district regulations - 161 Delaware Avenue

Dear Sirs:

I am opposed to this modification. Our home is situated approximately one block away from this particular house. In the last few years Delaware Avenue seems to be losing much of its charm. Trees have been cut down, some dwellings have been allowed to run down, and single family homes have been made into duplexes and triplexes. Some of this activity has been done without the City's knowledge. I have no objection to duplexes, but I draw the line at converting some of these fine homes into triplexes and four family dwellings. It would be a shame if the street deteriorated into one of roominghouses.

161 Delaware Avenue up till 3 years ago, was owned by my wife's mother. The second floor had been converted into a self sufficient apartment, and the house could have been used as a duplex. I am surprised to find that now it has suddenly jumped from a two family dwelling into a four family dwelling. I object strenuously to this.

Please give a consideration to my objection. I can be reached at (416) 522-6806.

Thanking you in advance,

Sincerely,

Albert V. Alexanian
Treasurer
AVA/ew

8

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 5 1991

DATE: 1991 September 24
ZA-91-44
Thorner Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in zoning - No. 126 Lilacside Drive.

RECOMMENDATION:

That approval be given to Zoning Application 91-44 Catherine Marie Healey (Healey Hair Design), lessee, requesting a modification to the "C" (Urban Protected Residential, etc.) District regulations, to permit a hairdresser as a home occupation use, for property located at No. 126 Lilacside Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

   a) Notwithstanding paragraphs (f) and (h) of Section 2.(2) H.(iii), hairdressing shall be permitted as a home occupation on the following basis:

      1) it is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

      2) there shall not be more than one comb-out centre and one styling sink.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the existing "C" (Urban Protected Residential, etc.) District provisions for property located at No. 126 Lilacside Drive.

The effect of the By-law is to permit a hairdressing salon for one hairdresser only to be operated from the residence as a home occupation.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed modification is to permit the establishment of hairdressing as a home occupation use.

- ZA-87-93

  On December 8, 1987, City Council approved a similar application to permit a hairdresser with one styling sink and one comb out centre to be located in the basement of a semi-detached dwelling at No. 56 Lilacside Drive. To-date, the Building Department have no complaints on file regarding this operation.

APPLICANT:

Catharine M. Healey, (Healey's Hair Design), lessee.

LOT SIZE AND AREA:

Lands located on the west side of Lilacside Drive having:

- 14.3 m (46.9 ft.) of lot frontage;
- 39.06 m (128.16 ft.) of lot depth; and,
- 558.39 m^2 (6,010.7 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to the following policies, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.4 Home occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:

i) A home occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;

ii) A home occupation will occupy only a limited floor area of the dwelling; and,

iii) The home occupation use will not detract from the RESIDENTIAL character of the area.

Further, a home occupation will not be deemed to be a mixed Commercial/Residential Use for the purposes of Subsection A.2.2 of this Plan."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE RESIDENTIAL" use on the approved Thorner Neighbourhood Plan, the proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any works within the Lilacside Drive road allowance must conform to the City of Hamilton Streets By-law. Comments from the City Traffic Department with respect to access on the horizontal curve on Lilacside Drive, on site parking, manoeuvring, etc., should be considered."

COMMENTS:

1. The proposal would not conflict with the intent of either the Official Plan or the approved Thorner Neighbourhood Plan.

2. The Planning and Development Committee and City Council have approved a number of zoning applications to establish hairdressing as a home occupation use. In this regard, each operation was limited to one hairdresser living on the premises, one comb-out centre and one styling sink.

   The size limitation placed on hairdressing as a home occupation appears to have effectively reduced the problems associated with this use. In this regard, the Building, Health and Traffic Departments have received no complaints respecting these facilities.

3. The proposal merits consideration for the following reasons:

   a) the business is only part-time in nature and is primarily related to the walk-in trade from area residents;

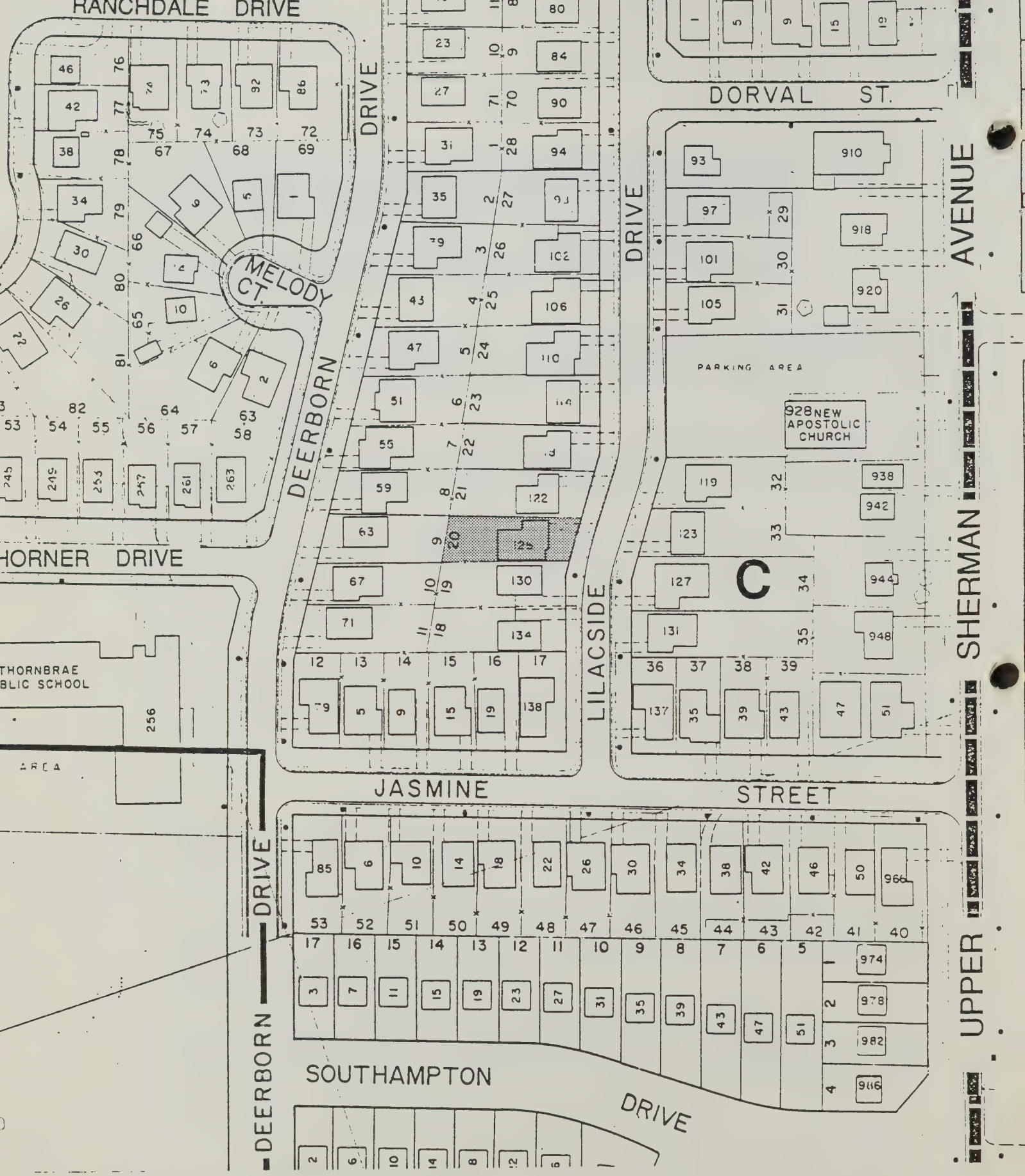
b) the proposal would not affect the demand for on-street parking as the paved driveway could accommodate approximately (6) stacked parking spaces. (see APPENDIX "B");

c) the business would not alter the residential character of the existing dwelling.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

GAW/ma
ZA9144



Legend

Site of the Application

ZA 91-44

APPENDIX



"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Department - 1991 September 24th".

8a

Ray and Gwyn Hall
114 Lilacside Drive
Hamilton, Ontario
L8V 2L7
(416) 383-8196
September 10, 1991

The Corporation of the City of Hamilton
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED
SEP 16 1991
CITY CLERKS

Re: **Planning Department File # ZA-91-44**
126 Lilacside Drive, Hamilton
C.M. Healey

Dear Sir / Madam:

We would like to take this opportunity to put forth our opposition to the Zoning Amendment proposed for the above stated address.

Five years and two months ago we moved into our present home, choosing it mainly for its location - accessible to business, but in the midst of a quiet "residential" neighbourhood.

In this time span, we have seen two businesses emerge within homes on our street. The first to surface was Dolores' Hairstyling at 56 Lilacside Drive, and shortly thereafter came Jackie's Neighbourhood Ceramic Classes at 80 Lilacside Drive, both of whom have prominent signs displayed for their business. Now we find ourselves facing the possibility of yet another business, and we cannot accept this. Our district is zoned "C" (Urban Protected Residential), and we believe it is time your committee takes a stand to "protect our residential". Had we wanted to live amongst business, we would have chosen to purchase elsewhere within a commercially zoned area. Please let it be our choice!

There are many young families within our neighbourhood, so we are assuming that if you approve this application, you will be accepting the responsibility should anything happen to any of the children due to increased traffic and strangers frequenting our residential street.

We ask that you take a long and close look at this application. Please consider not only the request of the applicant, but moreso the consequences which will be suffered by the community.

Thank you for giving us the opportunity to review this matter with your committee. We trust you will be fair in your decision.

Sincerely,

R. Hall & Gwyn Hall

CITY OF HAMILTON

- RECOMMENDATION -

9

DATE: 1991, September 24
ZA-91-45; Falkirk West Neighbourhood

SEP 2 5 1991

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Nos. 1062 and 1088 Upper Paradise Road.

RECOMMENDATION:

That approval be given to Zoning Application 91-45, James and Mary Miklos, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for 5 single-family dwellings, for properties located at Nos. 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for properties located at No. 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the creation of 5 building lots for single-family detached dwellings fronting onto Upper Paradise Road.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The purpose of the application is to establish the appropriate zoning to permit the development of five single-family dwelling lots which are to be created by severance applications through the Land Division Committee (see APPENDIX "B").

However, it is understood that 7 private storm water and sanitary drain connections have been installed.

APPLICANTS:

James and Mary Miklos, owners.

LOT SIZE AND AREA:

- 95.66 m (313.86 feet) of lot frontage on Upper Paradise Road;
- 29.6 m (97 feet) of lot depth; and,
- 2,828.29 m^2 (30,444.42 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	two, single-family dwellings	"AA" (Agricultural) District
Surrounding Lands		
to the north	single-family dwelling	"AA" (Agricultural) District
to the south, and west	vacant land	"AA" (Agricultural) District
to the east	vacant lands and Thomas Moore High School	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL", the proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE HOUSING" in the proposed Falkirk West Neighbourhood Plan. The proposal complies with the intent of the proposed Neighbourhood Plan.

COMMENTS RECEIVED:

- The following Agencies and Departments have no comment or objection:

  - Building Department;
  - Traffic Department;
  - Hamilton Region Conservation Authority; and,
  - Town of Ancaster.

- The Hamilton -Wentworth Engineering Department has advised that:

"There are public watermains available to service these lands. The storm and sanitary sewers are currently under construction and should be available this year.

The designated road allowance width of Upper Paradise Road is 30.48 m. According to our records, the Region previously acquired Parcel 113 of Instrument No. 188447 C.D. and Part 2 of Reference Plan 62R-6637 by Instrument No. 251504 C.D. This is only a portion of the entire frontage being developed and therefore as a condition of rezoning development approval, we require that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Upper Paradise Road road allowance. As the applicant may be aware, it is intended that Upper Paradise be realigned to the west to align with an approved neighbourhood street in the approved Carpenter Neighbourhood Plan and lands may be required from the southern portion of the subject lands to provide for this realignment.

Any works within the Upper Paradise Road road allowance, as widened and realigned etc., must conform to the Region of Hamilton-Wentworth Roads Use By-law.

The City of Hamilton Traffic Department is to comment on access and access design, etc. As the applicant may be aware, there is a vertical crest curve on Upper Paradise Road south of the sujbect lands which limits visibility for motorists entering Upper Paradise from the subject lands. Therefore, rights of ways for access on these lots and the provision of vehicle turnarounds on the new lots, etc. will likely be required until such time as Upper Paradise is realigned vertically etc.

These items will be finalized at such time as the applicant applies for land severances/subdivision approval, etc. but the applicant should be advised of our conditions at this time. Alternatively, the applicant may be required to reconstruct the knoll in the road as a condition of severance/access approval.

The Falkirk West Neighbourhood Plan has not been approved by the Planning Committee or City Council. Since the street layout has not been approved, walkways have not been defined nor land use specified. It is also essential that the street layout is compatible with the new accesses to the high school on the east side of Upper Paradise Road. These matters must be solved at the land severance or plan of subdivision stage."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the proposed Falkirk West Neighbourhood Plan, which designates the subject lands for "SINGLE and DOUBLE RESIDENTIAL".

3. The application has merit and can be supported for the reasons:

   a) it implements both the Official Plan and proposed Falkirk West Neighbourhood Plan;

   b) the proposed rezoning is appropriate for the intended use; and,

   c) the proposed single-family residential uses are compatible with existing and proposed land uses in the surrounding area.

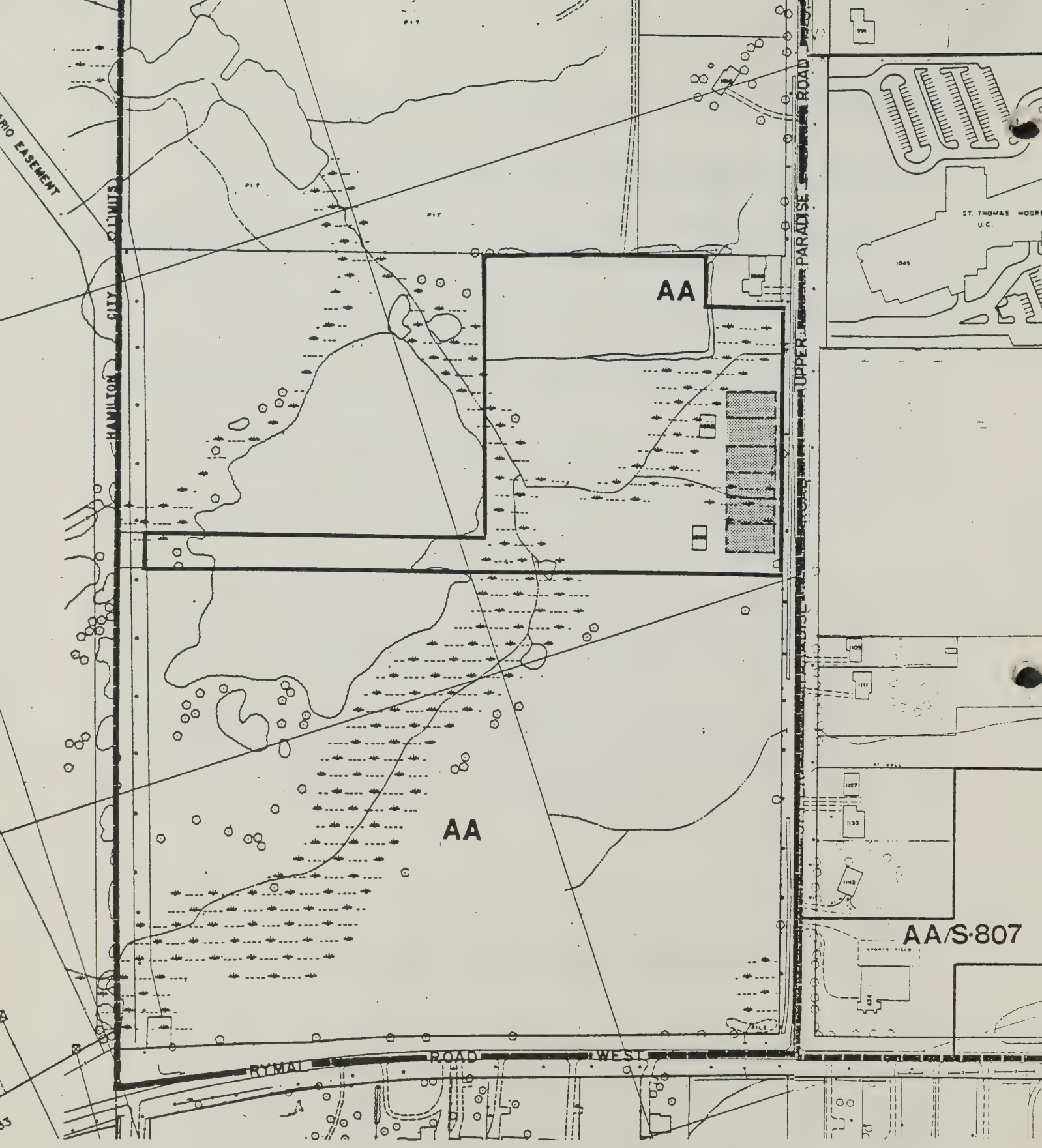
   In this regard, approval of the application would not set a precedent for future applications given the intent of the proposed Neighbourhood Plan. Furthermore, it would not prejudice finalization of the proposed Neighbourhood Plan.

4. For the information of the Planning and Development Committee, the applicant has not submitted applications to the Regional Land Division Committee for approval of the proposed severances. Road widening dedications, road realignment etc., will be dealt with at the land severance stage.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

JHE/ma
ZA9145

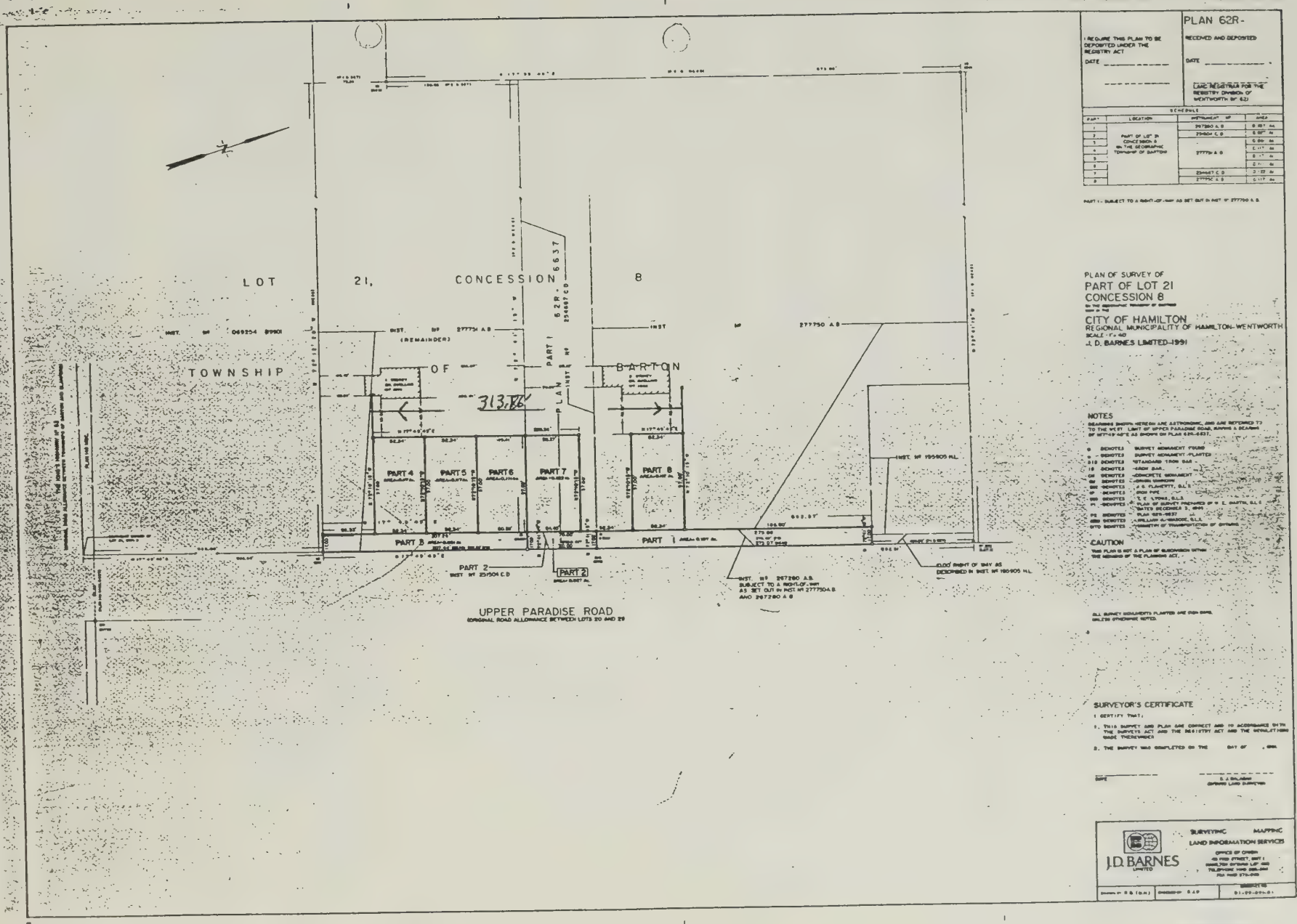


Legend

Site of the Application

ZA 91-45

APPENDIX A


LOT 21, CONCESSION 8
TOWNSHIP OF BARTON
PART 1 62R-25466
PART 2
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
313.76'
UPPER PARADISE ROAD
(ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 20 AND 21)
PLAN 62R-
REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT
RECEIVED AND DEPOSITED
LAND REGISTRAR FOR THE REGISTRY DIVISION OF WENTWORTH (62)
SCHEDULE
PLAN OF SURVEY OF
PART OF LOT 21
CONCESSION 8
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
J. D. BARNES LIMITED-1991
NOTES
CAUTION
SURVEYOR'S CERTIFICATE
J.D. BARNES LIMITED
SURVEYING MAPPING
LAND INFORMATION SERVICES

2181-45

10

CITY OF HAMILTON

- RECOMMENDATION -

SEP 25 1991

DATE: 1991 September 24
ZA-91-46
Kennedy East Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a Change in Zoning - No. 27 Rymal Road West.

RECOMMENDATION:

That approval be given to Zoning Application 91-46, Christopher Pies Inc., prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a 2 storey retail office building and a one storey restaurant (Tim Hortons) to be developed in conjunction with the adjacent lands to the east, for the property located at No. 27 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

a) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-9D and W-9E be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 27 Rymal Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit redevelopment of the site for a 2 storey, retail office building and a one storey restaurant (Tim Hortons) to be developed in conjunction with the adjacent lands to the east.

In addition, the By-law requires a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, to be provided and maintained along the southerly rear lot line.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/LEGAL/STAFFING IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  It is the applicant's intention to redevelop this site in conjunction with the lands located at No. 21 Rymal Road West for a 2 storey retail office building and a one storey restaurant (Tim Hortons). Thirty nine (39) parking spaces are to be provided on-site.

- ZA-90-34

  The lands at No. 21 Rymal Road West were rezoned in 1990 from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for a 4 storey building with a Tim Hortons Donuts on the first floor and offices above. These lands are now being consolidated with the subject lands.

- ZA-90-72

  Application was made for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-3" (Public Parking Lots) District for property at No. 22 Kennedy Avenue to permit the establishment of a parking lot to be used in conjunction with the future commercial development at No. 21 Rymal Road West.

  The application was denied by the Planning and Development Committee at its meeting of December 5, 1990, and subsequently denied by City Council on December 11, 1990 for the following reasons:

  "(a) It conflicts with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan which designate the lands as "Residential" and "Single and Double Residential", respectively;

(b) The proposal would be incompatible with adjoining residential properties to the west and south and would be an intrusion of a commercial use into a residential neighbourhood. In this regard, approval of the application would encourage other similar applications which, if approved, would undermine the residential character of the area and the intent of the approved Kennedy East Neighbourhood Plan; and,

(c) Development of the lands should more appropriately be in conjunction with the adjoining commercially designated land on Rymal Road West."

APPLICANT:

Christopher Pies Inc., prospective owner.

LOT SIZE AND AREA:

- 19.07 m (62.0 ft.) of lot frontage on Rymal Road West;
- 60.96 m (200.0 ft.) of lot depth; and,
- 1,162.9 m^2 (12,400 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	vacant	"G-1" (Designed Shopping Centre) District

to the south	single-family dwellings	"B" (Suburban Agriculture and Residential) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the west	single-family dwelling	"HH" (Restricted Community Shopping and Commercial) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, the proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

Designated "COMMERCIAL" on the approved Kennedy East Neighbourhood Plan, the proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comments or objections:

  - Trans Canada Pipelines; and,
  - Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

  "While we have no objection to the change in zoning, we do have a number of comments to make regarding the submitted site plan as we discussed with the applicant on June 28, 1991. They are as follows:

1. We recommend that the property be developed in conjunction with the adjoining properties to allow for a more comprehensive development with co-ordinated parking, manoeuvring area, and driveway accesses. If this is not possible at this time, the plan should allow for this possibility in the future.

2. We recommend that the seven parking spaces against the north wall of the restaurant be moved to the north property line to improve on-site circulation. This will then make it necessary to move the loading space further south and modify the building design to accommodate vehicle movements.

3. The owner should be aware of the possibility of being restricted to a right-turn in/right-turn out only access.

4. It is our understanding that the applicant is now proposing 80 seats in the restaurant. Based on a practical occupancy of two persons/car, 40 spaces would be required for the restaurant use. Parking would also be needed for the retail/commercial area. [(710 m^2 - 450 m^2) ÷ 31 = 9]

   Therefore, we feel a more realistic number of required parking spaces would be 49. The applicant is proposing 39.

5. We recommend that the two parking spaces in the north/east corner of the property be eliminated to remove any vehicular conflict close to Rymal Road West.

Based on the above, we recommend that if approved, the proposed zoning not be forwarded to City Council for finalization until an appropriate site plan has been approved and registered on title."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road is 36.0 m. We have prepared specific widening plans for this section of Rymal Road. Therefore, we require that a strip of land 4.894 m in width along the entire frontage of lands being developed be dedicated to the Region for road widening purposes as a condition of development approval.

The City of Hamilton Traffic Department is to comment on access location and design and on-site manoeuvring etc. As we have stated in previous comments on adjacent zoning applications, these lands should also be developed in conjunction with lands to the west since there is only one remaining residential property left. This would combine access and manoeuvring and minimize the number of access points to Rymal Road.

The site plan prepared for this property should also provide for common access to lands to the west and these right-of-ways and the site plan should be registered on title to ensure our concerns are addressed at such time as adjacent lands are developed.

The applicant should also be advised that we are preparing preliminary functional roadway reconstruction plans for this section of Rymal Road. These roadway improvements are to include the construction of left turn lanes, channelization and raised concrete median islands. Therefore, the applicant should be advised at this time the access to this property may be restricted to right turn in and right turn out only and that any roadway improvements required on Rymal Road as a result of this development approval are the responsibility of the applicant/owner. Further, details will be submitted at such time as site plans are forwarded to our office for our review and approval."

- The Building Department has advised that:

"1. Based on the concept drawing, this property is to be developed which the lands known as 21 Rymal Road West.

2. By-law 90-251, pertaining to No. 21 Rymal Road West with has special requirements of a 3.0 m wide planting strip and a visual barrier along the southerly rear lot line. Therefore, it is recommended that the same special requirements shall be applicable to this property.

3. The existing residential building requires demolition approval by the Planning and Development Committee under the Demolition Control By-law."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   a) it implements the intent of both the Official Plan and the approved Kennedy East Neighbourhood Plan;

   b) it would be compatible with existing and future intended commercial development along both sides of Rymal Road West, west of Upper James Street;

   c) the requested zoning would be consistent with other commercially zoned land recently approved along the south side of Rymal Road West,[(ZA 90-34 - No. 21 Rymal Road East), (ZA-89-21 - 35 Rymal Road West), (ZA-89-25 - 41 Rymal Road West), (ZA-89-71 - 57 Rymal Road West), (ZA-90-11 - 79 Rymal Road West)]; and,

   d) it will allow for the comprehensive development of this site with the lands to the east (No. 21 Rymal Road East), which is inkeeping with staff's previous recommendation concerning ZA-90-72 for No. 22 Kennedy Avenue (see BACKGROUND).

3. The subject lands abut a residential zoning district to the south. In order to provide privacy and protection for the existing residential uses, a visual barrier of not less than 1.2 m (3.92 ft.) and not more than 2.0 m (6.56 ft.) high should be provided and maintained along the southerly lot line. In addition, the "HH" District regulations require a rear yard setback of at least 6.0 m (19.69 ft.) to be provided. Within this setback, the applicant should be required to provide a landscaped planting strip having a width of at least 3.0 m (9.84 ft.) in order to mitigate any possible adverse effect of the proposal on the adjacent residential uses.

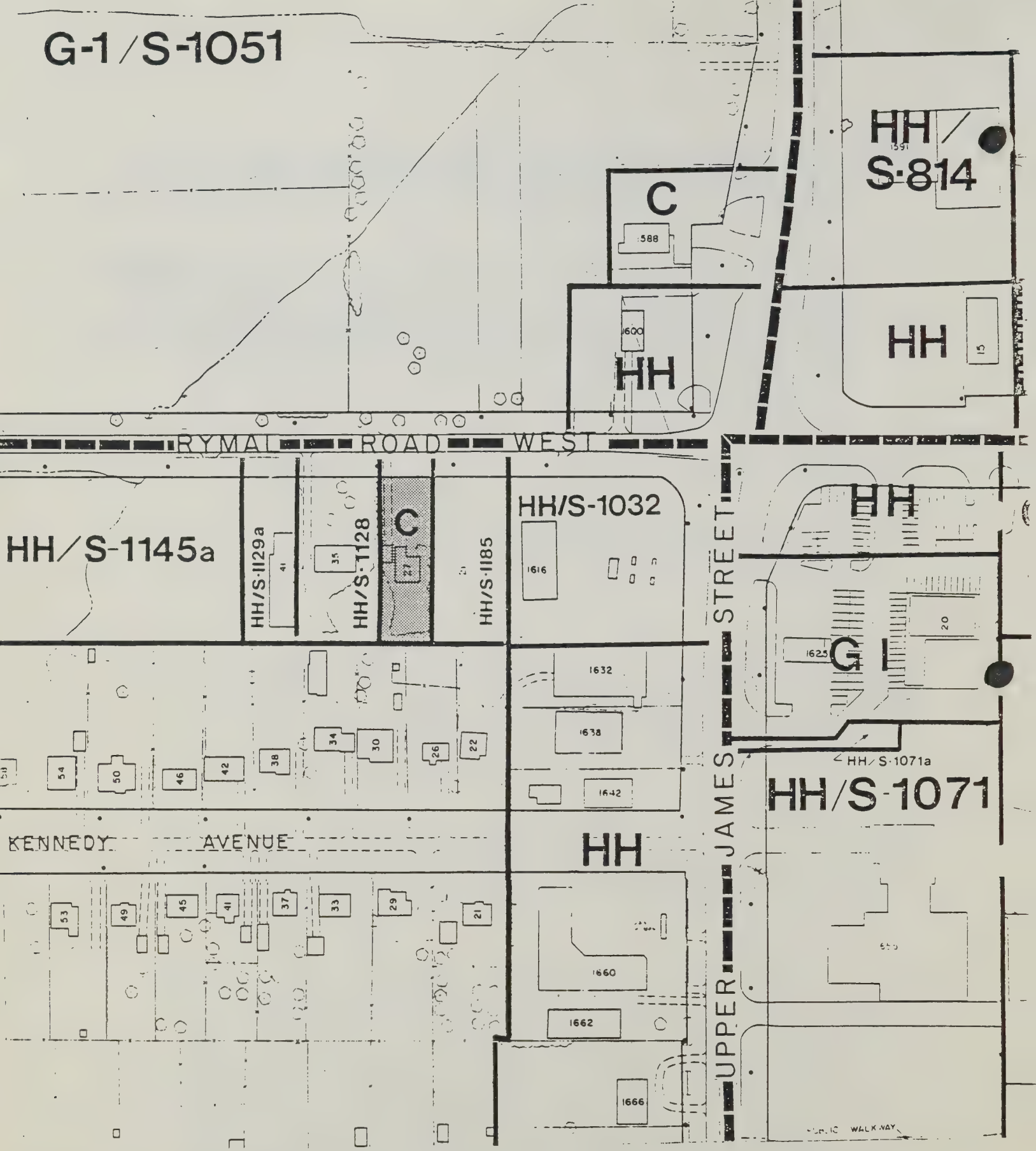
4. In regards to the Traffic Department's comments, the by-law requires 23 parking spaces for the development whereas the applicant is providing 39 parking spaces, 16 spaces in excess of the required number.

5. The "HH" District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters such as access, grading, landscaping, parking, loading, fencing, road widenings, etc., can be reviewed at the site plan control stage of development. Furthermore, the concerns of the Traffic and Engineering Departments can be addressed.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

JHE/ma
ZA9146



Legend

Site of the Application

ZA 91-46

"Copy sent to Mr. A. Georgieff, Director of Local Planning
and Ms. Patrice Noé Johnson, City Solicitor - Law Department - 1991 September 16th".

R ROSART
PROPERTIES INC.

10a

September 11, 1991

RECEIVED
SEP 16 19
CITY CLERKS

The Secretary
Planning and Development Committee
Planning and Development Department
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RE: Your File No. ZA-91-46
27 Rymal Road West, Hamilton

Dear Sirs:

Enclosed please find our business reply card **opposing** the proposed zone change to permit the development of the subject property in conjunction with the adjacent property to the east for a restaurant (Tim Horton) and retail/office use.

We request a copy of the report which will be presented at the October 02, 1991, public meeting. Kindly advise by telephone when same is available that we may make arrangements to pick it up.

Thanking you, in advance.

Yours truly,

ROSART PROPERTIES INC.

Ken Rosart

KR/eb

226 SOUTH SERVICE ROAD E. OAKVILLE, ONTARIO L6J 2X5
DIRECT LINES OAKVILLE 845-7711 HAMILTON 639-2222 FAX 845-9860

"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Department 1991 September 16th".

10b

McDonald's

IMITED
S PLACE
13C 3L4
5-22216

RECEIVED
SEP 16 1991
CITY CLERKS

September 13, 1991

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Charlene Coutts

Dear Sirs:

Re: 27 RYMAL ROAD WEST
2A-91-46

Please be advised that we object to the change in zoning from "C" (Urban Protected Residential) District to "HH" (Restricted Community Shopping and Commercial) District for the above referenced site. We believe that there is considerable traffic congestion in this area, and that an additional commercial zone would serve only to aggravate the existing problem.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly

McDONALD'S RESTAURANTS OF CANADA LIMITED

Nidae Abbas
Real Estate Representative

NA/jb/1282-77
Encl.

Printed on paper made from recycled fibre

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991, August 2
ZA-90-74
Industrial Sector "E" - McAnulty Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in Zoning - No. 49 Holly Avenue.

RECOMMENDATION:

That Zoning Application 90-74, Antonette Biggs, owner, requesting a modification to the "D" (Urban Protected Residential District - One and Two-Family Dwellings, Townhouses, etc.) District, to permit a two-family dwelling, for the property located at No. 49 Holly Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) It represents an over intensification of land use in that the lot frontage is 11.43 m and the lot area is 348.4 m^2 whereas the by-law requires a lot frontage of 18 m and a lot area of 540 m^2. In addition, variances are required for the front and side yards and to permit the one parking space in the front yard.

ii) It is incompatible with the surrounding development in the area which is characterized by single-family dwellings; and,

iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.

per J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Antonette Biggs, owner.

BACKGROUND:

- Current Proposal

  The applicant wishes to permit a two-family dwelling. The building permit was issued for a single-family dwelling but the existing building has 2 front doors (see APPENDIX "B").

- Committee of Adjustment Application (A-89:243)

  In 1989, the owner requested a variance to permit a 5.5 m front yard and the required parking in the front yard for a single-family dwelling. The variances were granted by the Committee of Adjustment at its meeting of September 6, 1989.

LOT SIZE AND AREA:

- 11.43 m (37.5 ft.) of lot frontage on Holly Avenue;
- 30.48 (100 ft.) of lot depth; and,
- 348.4 m^2 (3,750 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
Surrounding Lands		
to the north	Tire Shop	"H" (Community Shopping and Commercial, etc.) District
to the south, east and west	single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE HOUSING" on the approved McAnulty Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agency have no comments or objections:

  - Traffic Department;
  - Hamilton-Wentworth Police Department; and,
  - Hamilton Region Conservation Authority.

- The Building Department has advised that:

"1. Section 10 of the By-law permits a two-family dwelling subject to the following:

Lot Width	18.0 m (59.06')	Side Yards	1.2 m (3.94')
Lot Area	540.0 m^2 (5812.7 sq.ft.)	Rear Yard	7.5 m (24.61')
Front Yard	6.0 m (19.69')		

One parking space per dwelling unit located on the lot and not in the required front yard.

2. This proposed development of a two-family dwelling does not conform to the minimum requirements.

3. The Committee of Adjustment Application A-89:243 only permits a proposed single-family dwelling to provide a 5.5 m front yard and the required parking space to be located in the front yard.

4. This Department issued a building permit October 1989 for a single-family dwelling, which is presently under construction."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

There are no road allowance widenings anticipated at this time.

Any works which may occur within the Holly Avenue road allowance must conform to the City of Hamilton's Streets By-law."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan or the approved McAnulty Neighbourhood Plan.

2) The proposal cannot be supported for the following reasons:

   a) it represents an over intensification of land use in that the lot frontage is 11.43 m and the lot area is 348.4 m^2 whereas the by-law requires a lot frontage of 18 m and a lot area of 540 m^2. In addition, variances are required to the front and side yards and to permit the parking in the front yard;

   b) it is incompatible with the surrounding development in the area which is characterized by single-family dwellings; and,

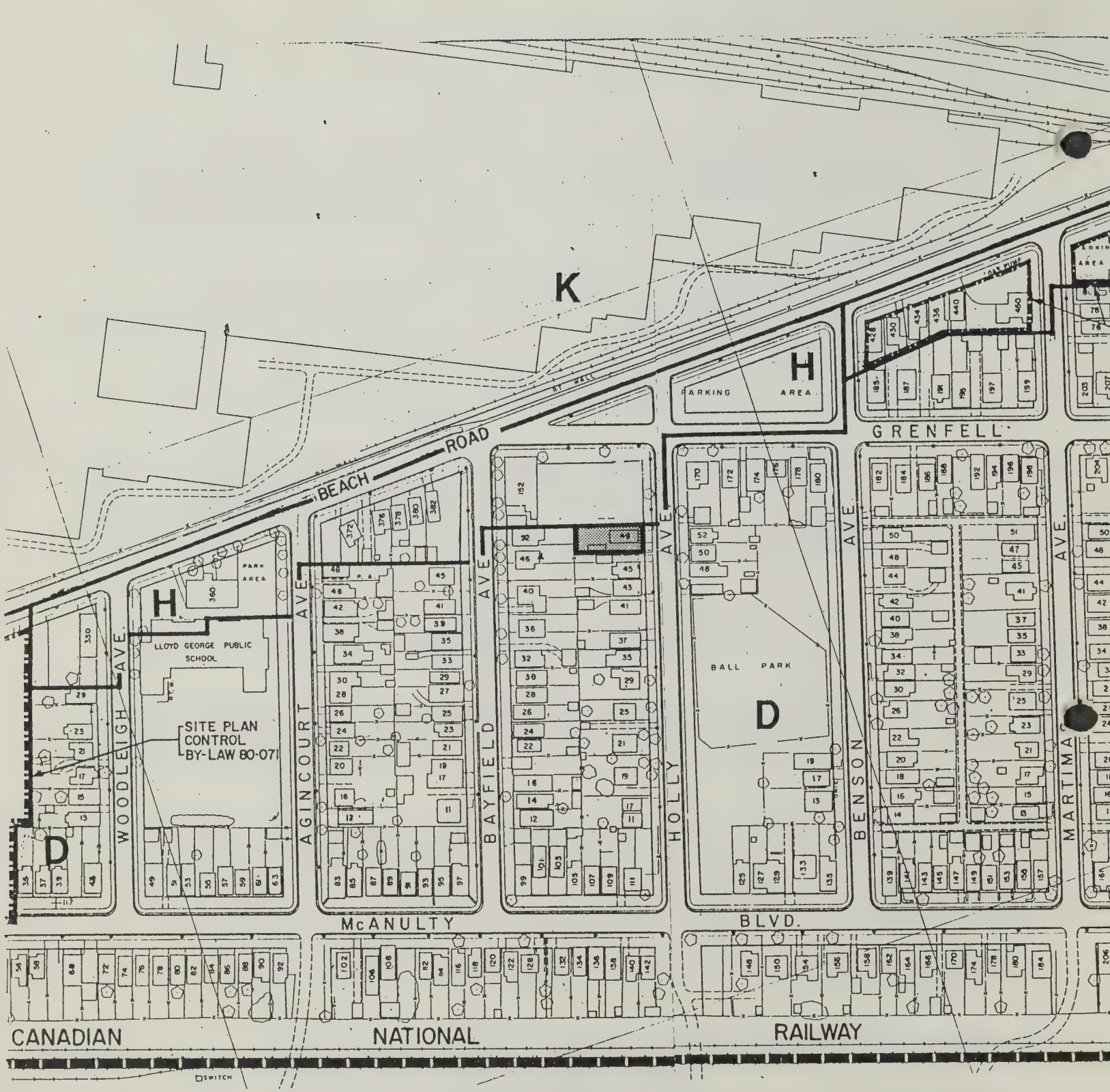
   c) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.

3. For the information of the Committee, the house has been built recently and has the external appearance of a two-family dwelling with 2 doors located at the front of the building (see APPENDIX "B").

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
ZA9074



ZA90-74

Legend

Site of the Application

APPENDIX A 1

49 Holly Avenue



Picture Taken July 29, 1991

APPENDIX B

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4

Urban Municipal
Librarian

K.E. AVERY
CITY CLERK

J.J. SCHATZ
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1991 September 27

URBAN MUNI.

GOVERNMENT DOCUMENTS

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1991 OCTOBER 2
9:30 O'CLOCK A.M.
ROOM 233, CITY HALL

Charlene J. Coutts, Secretary
Planning and Development Committee

AGENDA

1. Consent Agenda.

DELEGATION

2. Request for Amendment to By-law 88-9, re: Roof Leaders Requiring Direct Connection to Storm Sewers (Mr. F. Vermeulen, Trevor P. Garwood-Jones Architects Inc., and Mr. C. Gage, Victoria Park Community Homes).

REFERRAL FROM CITY COUNCIL

3. Letter dated 1991 September 9 from C.P. Rail, respecting the former T.H. & B. Roundhouse.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. Application for Demolition of 74 Charlton Avenue East.

5. **ALDERMANIC REFERRAL**

(Private and Confidential)

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

6. Zoning Application 91-36, S. T. Young, owner, for a modification to the "DE-3" District regulations for property at 234 MacNab Street South; Durand Neighbourhood.

   (a) Submission - Mrs. Ruth McCraig
   (b) Submission - Mr. and Mrs. John Collins, 261 MacNab Street South, Hamilton.

7. Zoning Application 91-42, H. A. Hader, owner, for a modification to the "C" District regulations for property at 161 Delaware Avenue; St. Clair Neighbourhood.

   (a) Submission - Mr. Charles Forsyth, 175 Delaware Avenue, Hamilton.
   (b) Submission - Mr. Albert Alexanian, 230 King Street East, Hamilton.

8. Zoning Application 91-44, C. M. Healey, owner, for a modification to the "C" District regulations for property at 126 Lilacside Drive; Thorner Neighbourhood.

   (a) Submission - Mr. and Mrs. R. Hall, 114 Lilacside Drive, Hamilton.

10:45 O'CLOCK A.M.

9. Zoning Application 91-45, J. and M. Miklos, owners, for a change in zoning from "AA" to "C" for part of lands at 1062 and 1088 Upper Paradise Road; Falkirk West Neighbourhood.

10. Zoning Application 91-46, C. Pies Inc., prospective owner, for a change in zoning from "C" to "HH" for property at 27 Rymal Road West; Kennedy East Neighbourhood.

    (a) Submission - Mr. Ken Rosart, Rosart Properties Inc., 226 South Service Road East, Oakville.
    (b) Submission - Ms. Nidae Abbas, Real Estate Representative for McDonald's Restaurants of Canada Limited, Toronto.

11. Zoning Application 90-74, A. Biggs, owner, for a modification to the "D" District regulations for property at 49 Holly Avenue; McAnulty Neighbourhood.

12. **OTHER BUSINESS**

13. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

ITEM	ORIGINAL DATE	ACTION	STATUS
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review underway
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed

ITEM	ORIGINAL DATE	ACTION	STATUS
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
Petition - Disbanding of Jamesville B.I.A.	1991 June 19	Public Works	Pending Public Meeting - Report to follow.
City Initiative - 1100 Limeridge Rd. E. - for Senior Citizens apartments.	1991 July 24	Planning	To be processed
Public Meeting - Carter Square, Neighbourhood Plan Amendment	1991 July 24	Planning	Report Pending

Planning + Development
URBAN/MUNICIPAL
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FILE WITH OCT/2/91

Wednesday, 1991 September 18
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor R. Morrow
Alderman H. Merling
Alderman W. McCulloch
Alderman D. Wilson
Alderman V. Formosi
Alderman M. Kiss
Alderman D. Ross

Also present: Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. B. Janssen, Planning Department
Mr. J. Robinson, Building Department
Mr. K. Brenner, Regional Engineering Department
Ms. P. Noé Johnson, City Solicitor
Mr. B. Allick, Building Department
Mrs. N. Chapple, Planning Department
Mr. W. Wong, Building Department
Mr. M. Watson, Real Estate Division, Property Department
Ms. V. Grupe, Planning Department
Mr. D. Kelterborn, Hamilton Board of Education
Mr. A. Zuidema, Law Department
Mr. R. Karl, Traffic Department
Mr. R. Meiers, Regional Engineering Department
Mr. L. Farr, Law Department
Miss C. Coutts, Secretary

CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1991 August 21 and these minutes were approved as circulated.

BUILDING COMMISSIONER

B. Hamilton Rehabilitation Programme Application - 13 Albemarle Street.

The Committee was in receipt of a report dated 1991 August 19, from the Building Commissioner, respecting the above-noted matter. The Committee approved the following recommendation:

> That a Hamilton Rehabilitation Programme (H.A.R.P.) application be approved for 13 Albemarle Street, Diana & Gerald Crewe. The actual amount of grant or loan to be determined by inspection of the property under Property Standards By-law 74-74, and pursuant to By-law 78-133 for the Hamilton Rehabilitation Programme (H.A.R.P.).

C. **Demolition Permit Application - 403 Sherman Avenue North.**

The Committee was in receipt of a report dated 1991 September 9, from the Building Commissioner, respecting the demolition of 403 Sherman Avenue North. The Committee approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 403 Sherman Avenue North.

D. **Demolition Permit Application - 1258 Upper Wentworth Street.**

The Committee was in receipt of a report dated 1991 September 9, from the Building Commissioner, respecting the demolition of 1258 Upper Wentworth Street. The Committee approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 1258 Upper Wentworth Street.

E. **City of Hamilton Heritage Programme - 172-176 Locke Street South.**

The Committee was in receipt of a report dated 1991 September 3, from the Building Commissioner, respecting the above-noted matter. The Committee approved the following recommendation:

> That an increase of one thousand, and sixty-four dollars ($1,064.) under the Community Heritage Trust Fund for a revised loan amount of nine thousand, one hundred and forty-four dollars ($9,144.) be approved for Mr. H. Ollesch, 172-176 Locke Street South, Hamilton. The interest rate will be six percent, amortized over ten years.

F. **City of Hamilton Heritage Programme - 27 Bold Street.**

The Committee was in receipt of a report dated 1991 September 10, from the Building Commissioner, respecting the above-noted matter. The Committee approved the following recommendation:

> That an increase of one hundred and fifty dollars ($150.) for a Designated Property Grant for a revised grant amount of one thousand, nine hundred and fifty dollars ($1,950.) be approved for Mrs. Roshan Dharsee, 27 Bold Street, Hamilton.

MANAGER OF PURCHASING

G. **Supply, Deliver and Install Office Furniture, Building Department.**

The Committee was in receipt of a report dated 1991 September 3, from the Manager of Purchasing, respecting the above-noted matter. The Committee approved the following recommendation:

> That a purchase order be issued to The Landmark Group Ltd., Mississauga, in the amount of $57,284.99 plus applicable taxes, to supply, deliver and install Office Furniture in the Building Department, being the lowest acceptable of four quotations received, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed through Renovate Building Department, Administration and PX Divisions, Furniture and Fixtures Account No. CF509141017 5330.

H. Landscaping Improvements of Central/Beasley (P.R.I.D.E.) - McLaren Park.

The Committee was in receipt of a report dated 1991 September 17, from the Manager of Purchasing, respecting the above-noted matter. The Committee approved the following recommendation:

> That a purchase order be issued to 877138 Ontario Inc. o/a Bud's Contracting, Stoney Creek, in the amount of $147,987.69 including all taxes being the lowest of five (5) quotations received for landscape improvements, Central/Beasley P.R.I.D.E., in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, and that this expenditure be financed through Central/Beasley P.R.I.D.E., Account No. CF5200 429002003.

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

I. South Hill - Phase 2, Hamilton - Cash Payment-in-Lieu of 5% Parkland Dedication.

The Committee was in receipt of a report dated 1991 September 4, from the Commissioner of Transportation/Environmental Services, respecting the above-noted matter. The Committee approved the following:

> That the City of Hamilton accept the sum of $18,500. as cash payment in lieu of the 5% land dedication in connection with "South Hill - Phase 2", Hamilton, being the cash requirement under Section 50 of the Planning Act. The lands of South Hill - Phase 2 are located south of Rymal Road West and west of Upper James Street in the Kennedy East Neighbourhood.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

J. Gardener's Cottage, 25 Tecumseh Street - Support for Proposed City Acquisition.

The Committee was in receipt of a report dated 1991 August 27, from the Secretary of the Local Architectural Conservation Advisory Committee advising the Committee of the Local Architectural Conservation Advisory Committee's support of the City's proposal to purchase the property at 25 Tecumseh Street, originally the Gardener's Cottage on Sir Allan MacNab's Estate as an adjunct to the grounds of Dundurn Castle, as recommended by the Department of Culture and Recreation. The Committee **received** this report as circulated.

K. Princess Elizabeth School, 235 Bowman Street - Designation, Ontario Heritage Act.

The Committee was in receipt of a report dated 1991 August 27, from the Secretary of the Local Architectural Conservation Advisory Committee, with respect to the above-noted matter. The Committee approved the following recommendation:

(a) That approval be given to the "Intent to Designate" Princess Elizabeth School as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached to the report as Appendix "A";

(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

REGULAR AGENDA

DELEGATION

2. **Wellington Chase and Separate School Board Land Exchange - Parkland Credit, Hamilton.**

The Committee was in receipt of a report dated 1991 September 10, from the Commissioner of Transportation/Environmental Services, respecting the above-noted matter.

Mr. Konrad Brenner, Regional Engineering Department, addressed the Committee with respect to this matter and explained why the Department is recommending that the transfer of 5% parkland credit to facilitate a land transfer between Wellington Chase Inc. and the Roman Catholic Separate School Board be denied.

Mr. Parente, representing Wellington Chase Inc., and Mr. R. O'Neil, representing the Roman Catholic Separate School Board, were also in attendance to address this matter. Mr. Parente circulated a submission to the Committee which detailed the land transfer and the history of this request.

After considerable discussion, the Committee did not support Staff's recommendation to deny this request, but approved the following:

> That the 5% Parkland Credit for Block 69 of Plan 62M-577, be transferred to the lands on Upper Wentworth Street and Balharbour Drive, to be owned by Wellington Chase Inc.

DIRECTOR OF PROPERTY

3. **Release of Building Covenants - Altofort Development Inc. (Fortino's) Hamilton, Industrial Park No. 1, Lot 7 and North Half of Lot 6, Plan M-227, Lancing Drive, Hamilton, Ontario.**

The Committee was in receipt of a report dated 1991 August 22, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

> That the Mayor and the City Clerk be authorized to execute the necessary documents to release Altofort Development Inc., Hamilton from the construction covenants to the City as contained in Deed Instrument Numbers 199581 L.T. and 199582 L.T., Lot 7 and the north half of Lot 6, Plan M-227, Part 1, 62R-8630, Lancing Drive registered on 1987 May 4.

4. **Expropriation by City of Hamilton - 211 Brant Street, Mr. Joseph Kusz.**

The Committee was in receipt of a report dated 1991 September 10, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

(a) That an Agreement by Owner to Accept Compensation for the property of Mr. Joseph Kusz, executed on 1991 September 10 and scheduled for closing on or before 1991 November 30, be accepted and completed. The subject property being Municipal Number 211 Brant Street, having a total frontage along the northern limit of Brant Street 21.505 metres (70.55 feet) more or less, shown as Part 2 on Expropriation Plan No. 79835, together with all structures erected thereon. That the total compensation of $78,000. along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structure at 211 Brant Street take place upon closing.

(b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

BUILDING COMMISSIONER

5. **Housing Framework for Ontario and Government Land for Housing.**

The Committee was in receipt of a report dated 1991 September 11, from the Building Commissioner, respecting the above-noted matter.

The Committee approved the following recommendation:

(a) That City Council endorse the Association of Municipalities of Ontario's position papers on the Provincial Government's Ministry of Housing Green Papers entitled, "A Housing Framework for Ontario", and "Government Land for Housing"; and,

(b) That the City of Hamilton request the Province of Ontario to conduct another round of consultations on their "preferred approach" before passing Provincial legislation.

6. **161 Delaware Avenue**

The Committee was in receipt of an Information Report dated 1991 September 10, from the Building Commissioner, respecting the above-noted matter.

Alderman Don Drury, Vice-Chairman, requested that this item be placed on the Agenda as he had some concerns with respect to the enforcement of the Zoning By-law. Given that Alderman Drury was not in the room at the time that this item was to be discussed, the Committee agreed to table this matter.

REFERRAL FROM CITY COUNCIL

7. Letter from Mr. Andy Robertson, re: Sale of City Owned Lands - Gerrard and Brant Streets to Philip Enterprises Inc.

The Committee was in receipt of a letter dated 1991 August 14, from Mr. Andy Robertson, 240 Bendamere Avenue, Hamilton, respecting the above-noted matter. The Committee was also in receipt of a report dated 1991 August 30, from the Director of Property, responding to the comments made by Mr. Robertson in his letter that was submitted to City Council.

After some discussion, the Committee approved the following recommendation:

> That the letter dated 1991 August 14, from Mr. Andy Robertson, respecting the sale of City owned lands on Gerrard and Brant Streets to Philip Enterprises Inc., **be received.**

DURAND NEIGHBOURHOOD PLAN IMPLEMENTATION COMMITTEE

8. Traffic Measures in Durand Neighbourhood.

The Committee was in receipt of a report dated 1991 September 10, from the Chairperson of the Durand Neighbourhood Plan Implementation Committee, with respect to Traffic Measures in Durand Neighbourhood.

After some discussion, the Committee approved the following:

> That the following resolutions of the Durand Neighbourhood Plan Implementation Committee concerning proposed Traffic Measures in the Durand Neighbourhood be referred to the Transport and Environment Committee:
>
> (a) That there be no right turn from northbound on Queen Street to eastbound on Aberdeen Avenue, between the hours of 7:00 a.m. to 9:00 a.m. Monday to Friday, as contained on page 32 of the approved Durand Neighbourhood Plan;
>
> (b) That the proposal for two way operation of Queen Street, from Main Street to Garth Avenue, be referred back to Traffic Department for further review, particularly with regard to the impacts of the proposal on the residents of the two adjacent neighbourhoods.

The Committee then adjourned at 10:00 o'clock a.m. and would reconvene at 10:30 o'clock a.m. to consider the Zoning Applications on the Agenda.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

9. **Zoning Application 91-31, A. and S. Aceti, owners, for a change in zoning from "B" to "C" for property at 193 Stone Church Road West; Sheldon Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 23, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application and informed Committee members that of the 21 notices circularized; 1 was received in favour; and 3 were received in opposition.

The Committee approved the following recommendation:

That approval be given to Zoning Application 91-31, Antonio and Sestina Aceti, owners, for a change in zoning from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the creation of two additional single-family residential lots, for the property known as 193 Stone Church Road West, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the subject lands be rezoned from "B" (Suburban Agricultural and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law 6593 and Zoning District Map W-9C for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10. **Zoning Application 91-38, F. and T. Dalpetz, owners, for a change in zoning from "AA" to "C" for property at 297 Stone Church Road West; Sheldon Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 28, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application and Mr. Fred Dalpetz, owner, was present and requested the Committee to support this Zoning Application.

The Committee approved the following recommendation:

That approval be given to Zoning Application 91-38, Fred and Theresa Dalpetz, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 297 Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-Law No. 6593 and Zoning District Map W-17C for presentation to City Council;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

11. **Zoning Application 91-34, Hamilton Horseshoe Pitching Club Inc., lessee, for a modification to the "KK" District regulations for property at 170 Brockley Drive; Grayside Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 4, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application and informed Committee members that 123 notices were mailed out; of which 6 were received in favour; and 2 were received in opposition.

Mr. Reg Wheeler and Mr. Bob Fanjoy appeared before the Committee and requested that this Application be supported.

Alderman Fred Lombardo, Chairman, also indicated his support for this Zoning Application.

The Committee approved the following recommendation:

That approval be given to Zoning Application 91-34, Hamilton Horseshoe Pitching Club, Inc., Lessee, requesting a modification to the "KK" (Restricted Heavy Industrial) District, to permit a private club (horseshoe pitching), a restaurant and a public hall (billiard room with one table) within the existing building, for the property located at 170 Brockley Drive, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That the "KK" (Restricted Heavy Industrial) District regulations, as contained in Section 17A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 17A(1), the following commercial uses shall be permitted within the existing building only:

(1.) a private horseshoe pitching club, including a billiard room and a restaurant as accessory uses;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1244, and that the subject lands on Zoning District Map E-123 be notated S-1244;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.

10:45 O'CLOCK A.M.

12. **Zoning Application 91-28, J. F. Petis, owner, for a change in zoning from "D" to "E-3" for properties at 180-188 Wilson Street; Beasley Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 28, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. Petis, representing his father the owner, appeared before the Committee and asked that the Committee support this Zoning Application.

Alderman McCulloch expressed some concerns at holding this By-law until such time as the applicant has applied for and received Site Plan Approval, and asked that the recommendation not make any reference to permit the development of the subject lands for a 6 storey, 33 unit apartment building.

After considerable discussion, the Committee amended the Staff recommendation as requested by Alderman McCulloch and approved the following:

(a) That approval be given to Zoning Application 91-28, John F. Petis, owner, for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-3" (High Density Multiple Dwellings) District, for property located at 180-188 Wilson Street, as shown on the attached map marked as Appendix "E", on the following basis:

(i) That the subject lands be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-3" (High Density Multiple Dwellings) District;

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received Site Plan approval, for the subject lands.

13. **Zoning Application 89-113, 546544 Ontario Inc. (G. Sulug), owner, for an amendment to the Official Plan and changes in zoning from "AA" and "C" to "G-3" for land on the south side of Strawberry Drive and east of Lake Avenue North (rear of 921 Queenston Road); Riverdale East Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 30, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application, and informed the Committee that 208 notices were mailed; of which 9 were received in favour; and 13 in opposition.

Mr. Michael Lipka, solicitor for the applicant, appeared before the Committee and asked the Committee to support the Zoning Application.

Mrs. Valerie Drake, 30 Strawberry Drive, a property owner adjacent to the said property, appeared before the Committee to express her concerns that the existing fence between her property and the subject property is in poor condition and stated that if additional parking is permitted at the site, that this would increase the amount of vehicles and noise in her neighbourhood. Mrs. Drake also read a letter as written by Mrs. Diane Burchert, 27 Strawberry Drive, which indicated that additional parking for the Alpine Hotel would only compound the already existing problems of late night and Sunday noise, as well as litter and exhaust problems. Mrs. Drake submitted the letter from Mrs. Burchert to the Secretary.

Mrs. Ann March, 31 Strawberry Drive, appeared before the Committee and stated that noise is presently a major problem in their neighbourhood.

Mr. Juraj Sulug, owner, stated that he has owned the property since 1989 and added that he cannot control the amount of noise from customers once they leave his establishment.

Alderman Lombardo indicated that the Staff's solution seems to be the best as fences, shrubbery, etc. will be in place to act as a buffer between the said property and the adjoining properties. After further discussion the Committee agreed that the visual barrier between the said property and the surrounding property should be at least 2.0 metres in height and the Committee agreed to amend the Staff recommendation to include the height restriction.

The Committee approved the following as amended:

(A) That approval be given to Official Plan Amendment No.103 for the establishment of a Special Policy Area, to permit the parking use within the "Residential" designation, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That approval be given to Zoning Application 89-113, 546544 Ontario Inc. (Juraj Sulug - President and Secretary Treasurer), owner, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for Block "1", from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for Block "2", and from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" (Public Parking Lots) District for Block "3", to allow the use of the subject lands for parking purposes, in conjunction with an adjacent existing commercial use at 921 Queenston Road, for property located on the south side of Strawberry Drive, east of Lake Avenue North, (rear of 921 Queenston Road East), shown as Blocks "1", "2" and "3" on the attached map marked as Appendix "F", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;

(c) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District modified, to "G-3" (Public Parking Lots) District;

(d) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-Law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 13C, only a parking lot used in conjunction with the commercial use located on adjoining lands at 921 Queenston Road in the City of Stoney Creek shall be permitted;

(ii) That a visual barrier not less than 2.0 m in height, excluding vehicular access, shall be provided and maintained along the northerly, westerly and easterly property lines;

(iii) That a planting strip of not less than 1.5 m in width, excluding vehicular access, shall be provided and maintained along the northerly and westerly property lines;

(iv) That a planting strip of not less than 3.0 m in width, shall be provided and maintained along the easterly property line;

(v) That no vehicular access to or egress from Strawberry Drive shall be permitted.

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1245, and that the subject lands on Zoning District Map E-125 be notated S-1245;

(f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-125 for presentation to City Council; and,

(g) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No.103 by the Region of Hamilton-Wentworth.

(C) That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives Site Plan approval, including the payment of all outstanding servicing costs to the City and Region adjacent to the 0.3 m reserve on Strawberry Drive.

11:00 O'CLOCK A.M.

14. **Zoning Application 91-08, 668550 Ontario Inc. (A. Tuite and L. Centurami), owners, for an amendment to the Official Plan and a change in zoning from "AA" to "G-3" modified for property at 75 Rymal Road East; Ryckmans Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 9, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application and informed Committee members that 69 notices were mailed; of which 5 were received in favour; and 3 in opposition.

The agent for the applicant appeared before the Committee and stated that it was the original intent of the owner, before purchasing the property, that they would use this for Commercial use. The agent also indicated that the owners have no intention of development adjoining properties.

Alderman Merling expressed his concern with respect to the present traffic situation on Rymal Road and supported the denial of this Zoning Application.

Mayor Morrow indicated that the Planning Department should recognize this as an entrance to the City and that the building of the East-West Freeway would resolve some of the traffic problems in that area.

After considerable discussion, the Committee approved the Staff recommendation as follows:

That amended Zoning Application 91-08, 668550 Ontario Limited (A. Tuite and L. Centurami), owners, requesting an amendment to the Official Plan to redesignate the lands from "Residential" to "Commercial", and to rezone the lands from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, modified to permit the development of the subject lands for a 40 seat, fast food restaurant with a drive through facility, for property located at 75 Rymal Road East, as shown on the attached map marked as Appendix "G", be denied for the following reasons:

(a) It represents an undesirable extension of a 'highway commercial' use into an area designated and used for single-family residential uses;

(b) There is an adequate supply of commercially zoned and designated land to accommodate the proposed use in the area of Upper James Street and Rymal Road;

(c) It does not comply with the intent of the approved Ryckman's Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use;

(d) The requested "G-3" (Public Parking Lots) District modified zoning is inappropriate for the proposed development, in that the only building permitted is one used for the shelter of attendants. In this regard, the proposed amendment to the "G-3" District to permit a 'fast food' restaurant on the site has the same effect as rezoning the lands to a commercial district such as the "HH" (Restricted Community Shopping and Commercial, etc.) District. Furthermore, the "G-3" District modified is a misnomer, in that the lands will not be developed for a 'parking lot';

(e) In 1990, the applicant was granted an extension of the commercial zoning for the lands to the west to 'square off' the site to allow for commercial development. At that time, the applicant amended the Zoning Application to delete the subject lands for commercial development; and,

(f) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area.

15. **Zoning Application 91-37, D. J. Armstrong, owner, for a further modification to the "HH" District regulations for land at the south west corner of Upper Sherman Avenue and Limeridge Road East; Thorner Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 9, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Ed Fothergill, agent for the applicant, and Mr. David Armstrong, owner, appeared before the Committee, requesting that the Committee approve the Zoning Application.

Mr. Paul Mallard, Planning Department, presented a brief history of the Zoning Application and the property in question; and informed Committee members that the applicant has applied to add a Gas Bar to the list of permitted Commercial uses and to delete a number of Commercial uses from the existing Zoning By-law.

Alderman Merling informed Committee members that City Council in 1988 approved the use of a Gas Bar at this site, and therefore the Committee should approve this Zoning Application.

After much discussion, the Committee did not approve Staff's recommendation to deny this Zoning Application, however, the Committee approved the following:

That approval be given to Zoning Application 91-37, David John Armstrong, owner, requesting a further modification to the "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a gas bar, variety store, bank, professional offices (excluding medical), dry cleaner outlet, video store and drug store, for lands at the south-west corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That By-law No. 88-205 and By-law No. 90-273 be repealed in their entirety.

(b) That the subject lands be rezoned from "AA" (Agricultural) District to "HH"" (Restricted Community and Commercial) District;

(c) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding Section 14A(1), only the following commercial uses shall be permitted:

(1.) a bank;
(2.) professional offices (excluding medical);
(3.) a dry cleaner outlet;
(4.) a video store;
(5.) a drug store;
(6.) a variety store; and,
(7.) a gas bar.

(ii) That a landscaped strip not less than 3.0 m in width and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly and southerly lot lines.

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1246, and that the subject lands on Zoning District Maps E-27A and E-27B be notated S-1246;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27A and E-27B for presentation to City Council;

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

16. **Zoning Application 90-67, Presbyterian Residences (Hamilton) Inc., prospective owner, lands located on the west side of Rice Avenue, south of Chedmac Drive; Mountview Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 12, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. Paul Mallard, Planning Department, informed the Committee that the applicant has requested that the condition of Site Plan Approval be waived and that the Zoning By-law be passed by City Council.

Mr. Fothergill, representing the applicant, appeared before the Committee and stated that the applicant is willing to go through the Site Plan process but wants the Zoning By-law in place first. Mr. Fothergill added that the architect is working on the plans presently and hopes that construction can start early next year.

After much discussion, the Committee approved the following:

That Section 14 of the Twenty-First Report for 1990 of the Planning and Development Committee, respecting Zoning Application 90-67, be amended to remove the condition which required the by-law to be held in abeyance until approval of a site plan, for lands located on the west side of Rice Avenue, south of Chedmac Drive, as shown on the attached map marked as Appendix "I", on the following basis:

(a) That Section 14(b)(ii)(1.)(b) be amended to permit a maximum of 41 townhouse dwelling units;

(b) That a new Section 14(b)(ii)(1.)(d) be added as follows, and the subsequent Section be renumbered accordingly:

"That notwithstanding Section 2.(2)A.(xiiaa) of By-law No. 6593, one dwelling unit shall be permitted in the same building as the residential care facility."

(c) That Section 14(c) be deleted and the following substituted therefore:

"That the approval of a noise study shall be included as part of Site Plan approval."

17. **Site Plan Control Application DA-91-46 - McDonald's Restaurants of Canada Ltd., lessee of lands known as 524 Limeridge Road East.**

The Committee was in receipt of a report dated 1991 August 29, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. John Sakala, Planning Department, made a presentation with respect to the Site Plan Control Application, and informed Committee members that the request for a reduced setback for the McDonald's sign would infringe on the road allowance.

Ms. Nidae Abbas, representing McDonald's, appeared before the Committee and stated that McDonalds was not advised that the City amended the plans submitted to them to require a 3 metre setback from the road allowance.

After considerable discussion, the Committee approved the following recommendation:

That Site Plan Control Application DA-91-46 by McDonald's Restaurants of Canada Ltd., lessee, of lands known as 524 Limeridge Road East, to amend approved plans of Site Plan Control Application DA-90-26 to provide a setback of 0.0 m instead of the required 3.0 m minimum from the front property line for a pylon sign, be **denied** for the following reasons:

(a) The sign as constructed provides no setback from the widened road allowance limits and is currently encroaching upon the widened road allowance limits of Limeridge Road East;

(b) The existing sign contravenes By-law 81-160, subsection 8, "Signs over Sidewalks & Highways"; and,

(c) Approval of the existing setback would set an undesirable precedent for future applications requesting relief from the by-law requirements after the full erection of pylon signs.

18. **Site Plan Control Application DA-91-52 - Oshawa Holdings Ltd., owner of lands known as 590 Nash Road North.**

The Committee was in receipt of a report dated 1991 September 11, from the Commissioner of Planning and Development, with respect to the above-noted matter.

The Committee approved the following recommendation:

(a) That approval be given to Site Plan Control Application DA-91-52 by Oshawa Holdings Ltd., owner, of lands known as 590 Nash Road North for an addition to the commercial cold storage facility subject to the following:

(i) Modification to the plan in relation to notes, and dimensions as marked in red on the plan; and,

(b) That the following resolution be forwarded to City Council:

That approval be given to register plans of Site Plan Control Application DA-91-52 by Oshawa Holdings Ltd., owners of 590 Nash Road North, to amend the plans of Site Plan Control Application DA-87-86, registered on title on 1988 July 20, as Instrument No. 466524CD.

6. **161 Delaware Avenue** (con't.)

The Committee had previously tabled this item until Alderman Drury was present to discuss his concerns with respect to the enforcement of the Zoning By-law.

Alderman Drury questioned Staff on their success in enforcing the By-law and Mr. Brian Allick, Building Department, replied that presently the City has a 90% success rate in prosecuting building matters. Mr. Allick added and a 72% and 67% success rates are obtained with respect to Zoning matters and maintenance land matters respectively.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN FRED LOMBARDO
PLANNING AND DEVELOPMENT COMMITTEE

C. J. Coutts
Secretary
1991 September 18

"Copy sent to Mr. L. King, Building Commissioner - 1991 September 24th".

Trevor P. Garwood-Jones Arc
The Cooperage 185 Young St Hamilton Ontario L8N 1V9

2

Se

RECEIVED
SEP 23 1991
CITY CLERKS

City of Hamilton
City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

ATTENTION: Ms. Charlene Coutts
Secretary of Planning and Development Committee

SUBJECT: MacCuish Court Townhouses

Dear Ms. Coutts:

We are presently constructing a 32 unit townhouse project on Upper Gage Street in Hamilton, and we have encountered surface bedrock thoughout the site. The use of splash pads under all downspouts would be a more effective and efficient way of handling roof water. All surface water will be handled within the site itself, and 9 catch basins have been proposed to handle this drainage.

By-Law 88-9 respecting roof leaders requires direct connection into storm sewers, and we request an amendment to this Bylaw requirement.

We request to appear before your next Planning and Development Committee meeting October 2, 1991 to discuss this matter. Our delegation will include Fred Vermeulen of Trevor P. Garwood-Jones Architects Inc., and Colin Gage of Victoria Park Community Homes.

Yours very truly,

Chris Gatt
CG/ak185

c.c. Victoria Park Community Homes - Mr. C. Gage

sociates

Joseph Bolf. MAATO
John Bradley. Projects Manager
Ross Hanham. B.L.Arch
Joanne McCallum. B.A., M.E. Des. (Arch). MRAIC. OAA
Jack McCollum. BES. B. Arch. MRAIC. OAA
Greg Sather. B.Arch. MRAIC. OAA
Fred Vermeulen. B.Arch. MRAIC. OAA

CORPORATION OF THE CITY OF HAMILTOI

MEMORANDUM

3

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TO: Miss C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. J. Schatz
Deputy City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-2727

SUBJECT: CP RAIL

DATE: 1991 September 26

Attached please find a copy of a letter dated September 9, 1991 from CP Rail respecting the former TH&B Roundhouse which City Council at its meeting held September 24, 1991 referred to the Planning and Development Committee.

att.

c.c.: Mr. D. W. Vyce, Director of Property
Mr. A. Georgieff, Director of Planning
Mrs. B. Carter, Secretary, L.A.C.A.C.

Union Station
65 Front Street West, Room 354
Toronto, Ontario M5J 1E8
Tel (416) 863-8020, Fax (416) 863-8577

CP Rail

SEP 13 1991

G R Mackie
Executive Vice-President

Toronto, September 9, 1991

His Worship
Mayor Robert M. Morrow
City of Hamilton
City Hall
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Dear Mayor Morrow:

Subject: Former TH&B Roundhouse

This refers to your letter of August 5, 1991 addressed to Mr. I.B. Scott, concerning the former TH&B Roundhouse at Hamilton, Ontario.

In our discussions with Alderman McColloch, CP Rail has outlined its concerns over the condition of the former Roundhouse which represents a serious liability to the Company. Mr. Cairns confirmed these concerns to Alderman McColloch in his letter of August 20, 1991. However, we are not opposed to delaying our plans to demolish the building, in order to permit the City an opportunity to secure funding for the purchase of the property and rehabilitation of the building.

CP Rail is prepared to delay demolition of the Roundhouse until November 30, 1991. To do this, we must ask the City to assume liability for the building and compensate CP Rail for any costs associated with this delay, such as the termination of the demolition contract. Would you please confirm that this is acceptable.

Mr. Cairns would be pleased to work with the City's representatives to resolve purchase matters. I wish you every success in this initiative.

Sincerely,

G.R. Mackie

ROBERT M. MORROW
MAYOR

Hamilton

August 5th, 1991

Mr. I. B. Scott, C.E.O.
C.P. Rail
P.O. 6042, Station A
MONTREAL, Quebec
H3C 3N4

Dear Mr. Scott:

RE: C.P. RAIL (FORMER T.H. & B.) ROUNDHOUSE

I would like to draw your attention to a matter of concern related to a C.P. Rail property in the City of Hamilton. There is a 16 acre site located in the south-west section of our city where a very remarkable complex of historic railway structures is located, the most important of which is a 27-stall roundhouse complete with a 100 ft. turntable.

We recognize the need for C.P. Rail to dispose of surplus properties but given the uniqueness of the buildings we are requesting time to pursue other alternatives to the proposed demolition of these structures. I have been advised recently that C.P. Rail is considering demolishing these structures some time around the end of July, 1991.

Hamilton City Council at its last meeeting on July 30th supported a request for a three month delay to allow investigation into other possible uses. Council also supported a request to the Provincial Government to consider the Roundhouse as the future location for their proposed Museum of the Working Man.

The C.P. Rail Roundhouse and adjacent buildings are considered to be an irreplaceable resource which forms an integral part of Hamilton's industrial heritage. The three month delay of demolition would give the city the opportunity to explore possible alternative solutions. We thank you for the consideration of this matter.

Yours sincerely,

Robert M. Morrow
Mayor

/pb.

cc: Ald. Dave Wilson
Mr. Len Clarke, Superintendent Ontario South

City Hall
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone: (416) 546-2790

Address: cc Mr. Len Clarke, Superintendent
Ontario South
C.P. Rail
Room 222, Union Station
Toronto, Ont. M5J 1E8

L A C A C

LOCAL ARCHITECTURAL CONSERVATION ADVISORY

4

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R E C O M M E N D A T I O N

REPORT TO: Charlene Coutts
Planning and Development
Committee Secretary

DATE: 25 September 1991

FROM: Rob Brough, LACAC

SUBJECT: **Application for Demolition of 74 Charlton Avenue East**

RECOMMENDATION:

That the application for a demolition permit for the designated property at 74 Charlton Avenue East not be processed unless a development permit has been issued by the Niagara Escarpment Commission.

BACKGROUND:

1. As requested by the Building Department, the Planning and Development Committee referred (on August 21, 1991) the application to demolish 74 Charlton Avenue East to LACAC for comment.

2. The building was designated by Council under the Ontario Heritage Act on April 30, 1991, at the owner's request.

3. The property is located within the Niagara Escarpment Commission's development control area. The Minister of Municipal Affairs has twice refused permission to demolish the house at 74 Charlton Avenue East as a result of two separate NEC Hearings in 1987 and 1990.

4. The Law Department has advised that the City cannot issue a demolition or building permit until the NEC has issued a development permit (see attached memo).

CONCLUSION:

Given the Law Department's recommendation and the designated status of the property, the application for a demolition permit should not be processed unless the NEC issues a development permit.

RECEIVED
PLANNING & DEVELOPMENT
AUG 13 1991
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

LAW DEPARTMENT
MEMORANDUM

TO: Mr. L. C. King
Building Commissioner
Attention: Mr. W. Wong

FROM: Lorne E. Farr
Assistant City Solicitor

OUR FILE: 40-98.90.16
PHONE: 546-4685

SUBJECT: 74 Charlton Avenue East

DATE: August 12, 1991

Your memo of August 2, 1991 indicates Mr. Whelan, the lawyer for the property owner, applied for a demolition permit. As you state, the site is under the jurisdiction of the Niagara Escarpment Commission. The house was designated as a historical property by by-law 91-76 after a Conservation Review Board Hearing.

Under the Ontario Heritage Act, on receipt of a request to demolish a designated structure, the Council shall consult with LACAC and shall consider the demolition request within 90 days of receipt (Section 34). If the Council decides to deny the application, the owner is prevented from demolishing the building for 180 days from the date of Council's decision.

As I discussed with your department regarding 105 Aberdeen Street, the Heritage Act section 34(4) states that after the 180 day waiting period, the owner can demolish the building subject to the provisions, of any other act. This would include the demolition provisions of the Planning Act, where Council can refuse a demolition permit for a residential dwelling until a building permit has been applied for.

Therefore, if 74 Charlton Avenue East is a dwelling unit as defined by section 33(1) of the Planning Act and if the property is in an area of demolition control, then Council could refuse to issue the demolition permit until a building permit has been issued. The applicant could appeal this refusal to issue a permit, to the Ontario Municipal Board.

Moreover, as this property is under the jurisdiction of the NEC, the City cannot issue a demolition or building permit until the NEC has issued a development permit. Therefore, we recommend your Department inform Mr. Whelan that his application for a demolition permit cannot be processed until the NEC issues a development permit allowing the demolition.

Lorne E. Farr
Assistant City Solicitor

LEF:bj
c.c. Mr. A. Georgieff
Director of Planning
Attention: Ms N. Chapple

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
AUG 13 1991
REC. BY _____ DATE _____
REF'D TO _____ DATE _____
REF'D TO _____ DATE _____
REF'D TO _____ DATE _____

6

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 25
ZA-91-36
Durand Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in zoning - No. 234 MacNab Street South.

RECOMMENDATION:

That Amended Zoning Application 91-36, Shirley T. Young, owner, requesting a modification to the established "DE-3" (Multiple Dwellings) District regulations, to permit a two-family dwelling with 9 lodgers, for property located at No. 234 MacNab Street South, as shown on the attached map marked as APPENDIX "A" be **DENIED** for the following reasons:

i) It conflicts with the intent of Policy C.7.1. i) of the Official Plan, in that adequate off-street parking cannot be provided;

ii) It is an overintensification of land use, in that no off-street parking can be supplied whereas seven (7) parking spaces are required; and,

iii) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant has amended the zoning application and is requesting a zoning modification to permit a two-family dwelling with 9 lodgers.

- Site Inspection /Additional Information

  A site inspection revealed that the building contains 2 self contained apartments, 9 lodging rooms, 2 shared kitchens and two shared bathrooms. The kitchens on the second and third floors were established in 1972. The Building Department has no record of conversions or of any previous licence for a lodging or boarding house. The applicant purchased the property in 1973, as is, and has continued to use it for lodging purposes. No parking spaces are provided on site.

- Application for Lodging House Licence

  On March 25, 1991, the applicant applied for a lodging house licence to permit a total of 9 lodgers. It appears from the records in the Building Department, that the Fire Department initiated action through an inspection of the property. In this regard, the applicant was advised to obtain the necessary lodging house licence. The lodging house licence was denied by the City Licensing Department on the grounds that the proposed use was contrary to Section 10C of Zoning By-law No. 6593.

APPLICANT:

Shirley T. Young, owner.

LOT SIZE AND AREA:

- 19.75 m (64.81 ft.) of lot frontage on MacNab Street South;
- 28.95 m (95.0 ft.) of lot depth; and,
- 537.147 m^2 (5,782 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Two-family dwelling with 9 lodgers	"DE-3" (Multiple Dwellings) District

Surrounding Lands

to the north	two-family dwelling	"DE-3" (Multiple Dwellings) District
to the south	one and two family dwellings	"DE-3" (Multiple Dwellings) District
to the east	apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan and located within SPECIAL POLICY AREA 3 on Schedule "B" - SPECIAL POLICY AREAS of the Official Plan. The following policies, would apply, among others:

"A.2.1.1. The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;
ii) Other similar actions or matters as Council may deem appropriate.

A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the residential policies of Subsection A.2.1 and C.7, and Policy A.2.8.1 (ii);

i) It is the intent of Council to strengthen the residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population; and,

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged."

On the basis of the foregoing, the proposal would conflict with the intent of Policy C.7.1 i) of the Official Plan in that adequate off-street parking cannot be provided. However, should the application be approved an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

Designated for "LOW DENSITY APARTMENTS" on the approved Durand Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "A licence will be required, as well as seven (7) car parking spaces."

- The Traffic Department has advised that:

  "In response to your memo of 1991 September 10 in which you informed us that there are 2 self-contained dwelling units in addition to the 9 lodging rooms in the original application, we have the following comments.

  The proposal would now need 7 parking spaces and it continues to be impossible to supply any parking on-site. The on-street parking in the area is heavily utilized and this application is not going to improve the situation any.

  However, if this is indeed an ongoing situation since 1973 as the application states and this application is to merely legalize an existing situation, then it is unlikely that this site will deteriorate the on-street parking congestion/problems any further."

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any works which may occur within the MacNab Street South road allowance must conform to the City of Hamilton Streets By-laws.

  The Traffic Department is to comment on access and parking, etc."

- Heritage Planning has advised that:

  "The above-referenced building is listed on the Inventory of Buildings of Architectural and/or Historical Significance, and Heritage Planning feels that it is important to retain its heritage character."

- The Hamilton Region Conservation Authority, The Licence Division of the City Clerks Department and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal does not comply with the intent of Policy C.7.1. i) of the Official Plan in that adequate off-street parking cannot be provided. However, if the application is approved, an Official Plan Amendment would not be required.

2. The proposal complies with the intent of the approved Durand Neighbourhood Plan.

3. The applicant claims that the requested uses have been established since at least 1973, at which time she purchased the property "as is". However, a Zoning Verification Certificate was not applied for at the time of purchase. In this regard, the Building Department has advised that the legal use is a single-family dwelling.

   Although the proposal appears to have existed harmoniously with surrounding residential uses, the application cannot be supported for the following reasons:

   i) it conflicts with the intent of Policy C.7.1. i) of the Official Plan, in that adequate off-street parking cannot be provided;

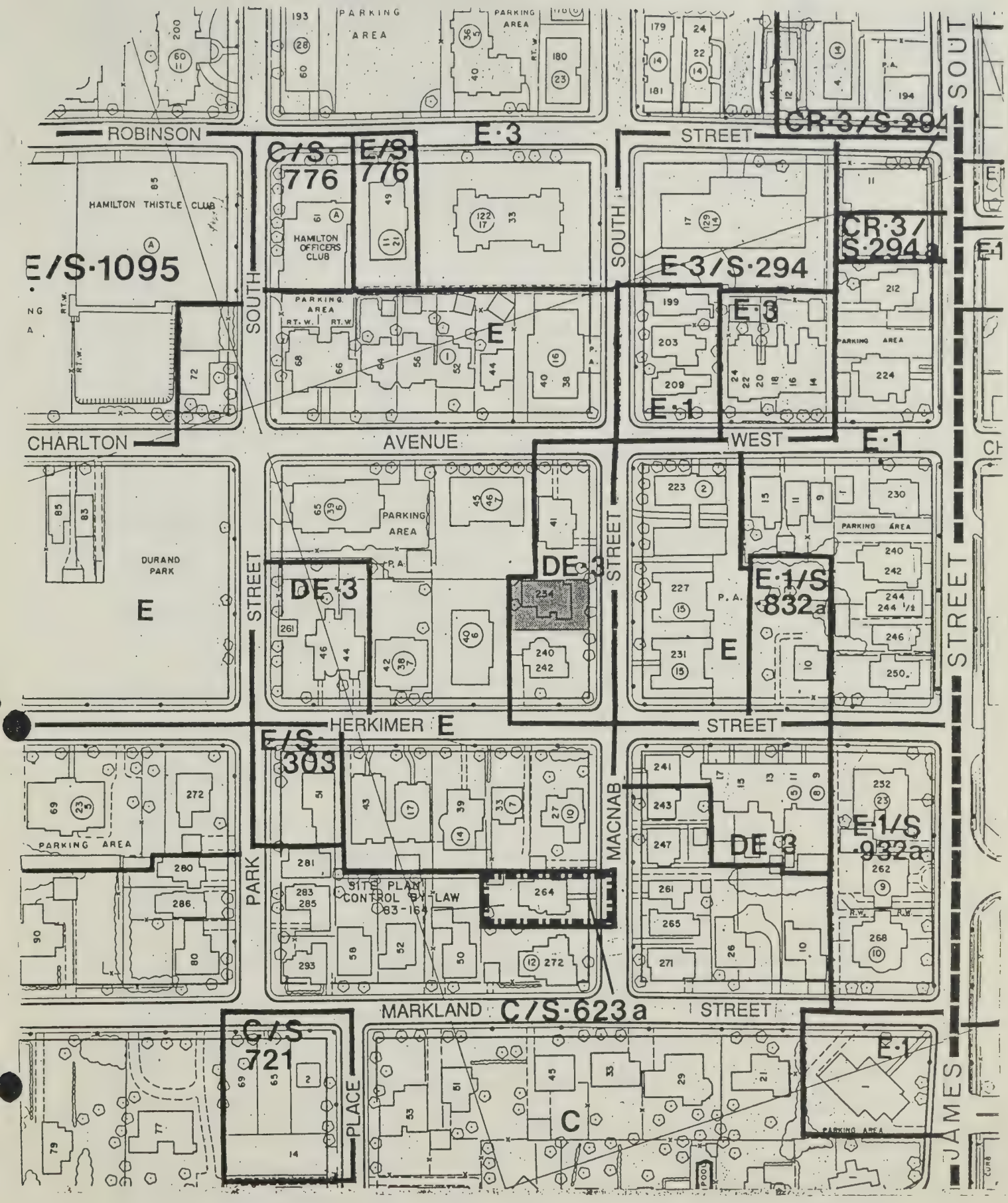
   ii) it is an overintensification of land use in that no off-street parking can be supplied, whereas seven (7) parking spaces are required. In this regard, the Traffic Department has advised that on-street parking in the area is heavily utilized; and,

iii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/ma
ZA9136



Legend

Site of the Application

APPENDIX A

"Copy sent to Mr. A. Georgieff, Director of Local Plannin
and Ms. Patrice Noé Johnson, City Solicitor - Law Departm
1991 September 16th".

RECEIVED
SEP 16 1991
CITY CLERKS

6a

September 11, 1991

Dear Sirs:

Having walked to visually inspect #234 Mcnab St. S., I have signed the card in the affirmative but have a number of concerns. I have no objection whatsoever to extra space in these large old houses being used by those who need a place to live. I am delighted to have them preserved in this neighborhood rather than torn down and replaced by a much less architecturally-interesting structure.

However, having observed a certain amount of block-busting going on in the southwest area of Hamilton in the past - fortunately halted by the Durand Neighborhood movement, I want to be assured that this is not such a case, indeed the thin edge of the wedge again.

The reason I raise this is because I am disturbed by the look of the property. I realize the city cannot dictate maintenance and landscaping on private property. But the unkempt appearance bothers me. If there are nine lodgers, cannot the owner afford to have the surrounding 'jungle' attended to? Behind all that mass of greenery it was hard to determine the overall condition of the house but it looked very shabby to me compared to a picture I took of the house a few years ago and the interesting architectural features are almost totally obscured. Also the windows and the

RECEIVED
SEP 16 1991
CITY CLERK'S

interior treatment make me wonder what kind of lodgers these are. I also wonder if the fire dept. inspections have been thorough and the house has been carefully protected in case of careless lodgers. I hate to even bring this up but as my daughter lives in Toronto on Ontario St. — one of the renovated neighborhoods of Victorian Cabbagetown — and, with her neighborhood friends, ~~she~~ alert to a few of the dwellings on the street which are known to the police as 'crack' houses; what would never have occurred to me before is now regretfully something I'm forced to think about. So I'd also like to know if the police have had any reason to keep an eye on this property. Maybe I'm just imagining things ~~suggested~~ by that mysterious jungle.

I am also aware that there are half-way houses for unfortunates in our society scattered throughout the Southwest. I know of one or two on Charleton & Herkimer and have no objection to those but they are kept up in reasonable condition to conform to the neighborhood which I believe to be part of the rehabilitation process.

Sincerely,

(Mrs) Ruth W. McCraig

"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Department 1991 September 13th".

6b

261 MacNab Street South
Hamilton, Ontario L8P 3E2

THIS PROPERTY (AND THE ONE BESIDE IT) IS A DISGRACE. PLUS THERE IS NO PARKING SPOT WITHIN BLOCKS OF OUR HOUSE DURING TIME DAY (SINCE IT IS THE AUXILERY PARKING LOT FOR ST JOSEPH'S HOSPITAL) WHICH MEANS COMPANY AND SERVICE TRUCKS MUST ILLEGALY PARK SO WHERE WOULD 9 TENANTS FROM 934 PARK?

RECEIVED
SEP 13 1991
CITY CLERKS

7

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 24
ZA-91-42
St. Clair Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in zoning - No. 161 Delaware Avenue.

RECOMMENDATION:

That Zoning Application 91-42, Henry A. Hader, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established four-family dwelling, on property located at No. 161 Delaware Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) It is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;

ii) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area;

iii) Approval of this application would be contrary to the intent of By-law 76-229 (St. Clair Neighbourhood Rezonings) which downzoned this area from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District, in effect, eliminating the potential for townhouses and permitting conversions to two-family dwellings only;

iv) It is contrary to recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the application is to legalize the established four-family dwelling. On the basis of information provided by the applicant, the four dwelling units have floor areas ranging from 850 sq.ft. to 1000 sq.ft. Off-street parking can be provided for 5 cars, 1 in the existing accessory garage and 4 cars in the side yard.

- Zoning Verification

  On March 29, 1989 a Zoning Verification Certificate was issued by the Building Department to the former owner of the property (see APPENDIX 'B') advising, that the legal use is a single-family dwelling, but that conversion of the dwelling to a two-family dwelling may be possible under Section 19 of the By-law.

- Orders to Comply

  On May 31, 1989 an Order to Comply (see APPENDIX "C") was issued to the current owner/applicant concerning commencement of construction without obtaining the required building permit.

  On June 19, 1989 an Order to Comply (see APPENDIX "D") was issued to the current owner/applicant concerning the use of the building as a four (4) family dwelling instead of the legal use as a single-family dwelling.

- Court Action

  On August 19, 1991 the applicant appeared before the By-law Court on the charge of the unlawful use of the premises as a four-family dwelling. Because the evidence submitted was insufficient, as determined by the Justice of the Peace, the charge was dismissed.

- Land Severance Application

  At its meeting held on December 6, 1988, the previous owner of the property applied for a land severance through the Regional Land Division Committee (Application H-189-88), to convey a vacant parcel of land measuring 30' x 100' for residential purposes, and to retain the balance of the holding measuring 50' x 100' which is occupied by a SINGLE-FAMILY DWELLING.

The application was DENIED by the Committee for the following reasons:

1. It does not appear to be in the interest of proper planning and development;
2. It does not comply with the requirements of the Zoning By-law;
3. It does not comply with Section 50(4) of the Planning Act.

- By-law 76-229

By-law 76-229 respecting the St. Clair Neighbourhood, downzoned this area from a "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to a "C" (Urban Protected Residential, etc.) District. The effect of downzoning is to eliminate potential for townhouses and reduce residential conversions to a maximum of 2 dwelling units as opposed to 3 dwelling units under the former "D" District.

APPLICANT:

Henry A. Hader, owner.

LOT SIZE AND AREA:

The subject property has:

- 24.38 m (80.0 ft.) of lot frontage on Delaware Avenue;
- 30.0 m (100.0 ft.) of lot frontage along Holton Avenue South; and,
- 145.2 m^2 (8,000 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	four-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	single-family dwelling	"C" (Urban Protected Residential, etc.) District

to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Residential Care Facility	"C" (Urban Protected Residential, etc.) District
to the west	three-family dwelling	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to the following policies, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity.

i) Provision and maintenance of adequate off-street parking.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal conflicts with the intent of policies A.2.1.8 and C.7.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE, DOUBLE and ATTACHED HOUSING" on the approved St. Clair Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. A multiple dwelling, containing four (4) dwelling units, is not permitted.

  2. Our records indicate the use is a legal single-family dwelling only.

  3. The "C" zoning district permits the conversion to a two-family dwelling subject to the provisions of Section 19 of Zoning By-law 6593.

  4. A four unit multiple dwelling requires to provide five (5) parking spaces located on the lot not located in the required front yard.

  5. This Department issued an Order to Comply to reduce the occupancy to a single-family dwelling and is presently set for trial on August 19, 1991 (copy of Order to Comply attached)."

- The Traffic Department has advised that:

  "The attached plan shows the parking layout as recommended to the applicant by our Department. We find this application to be satisfactory subject to the required parking being provided on-site as shown on the attached plan." (see APPENDIX "E").

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any works within the adjacent road allowances must conform to the City of Hamilton Streets By-law.

  The Traffic Department is to comment on access."

- The Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department and Heritage Planning Staff have no comments or objections.

COMMENTS:

1. The proposal conflicts with the intent of Policies A.2.1.8 and C.7.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

2. The proposal would not conflict with the intent of the approved St. Clair Neighbourhood Plan.

3. The proposal cannot be supported for the following reasons:

   i) it is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominately occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;

   ii) approval of the application would encourage other similar applications which, if approved, would alter the character of the area;

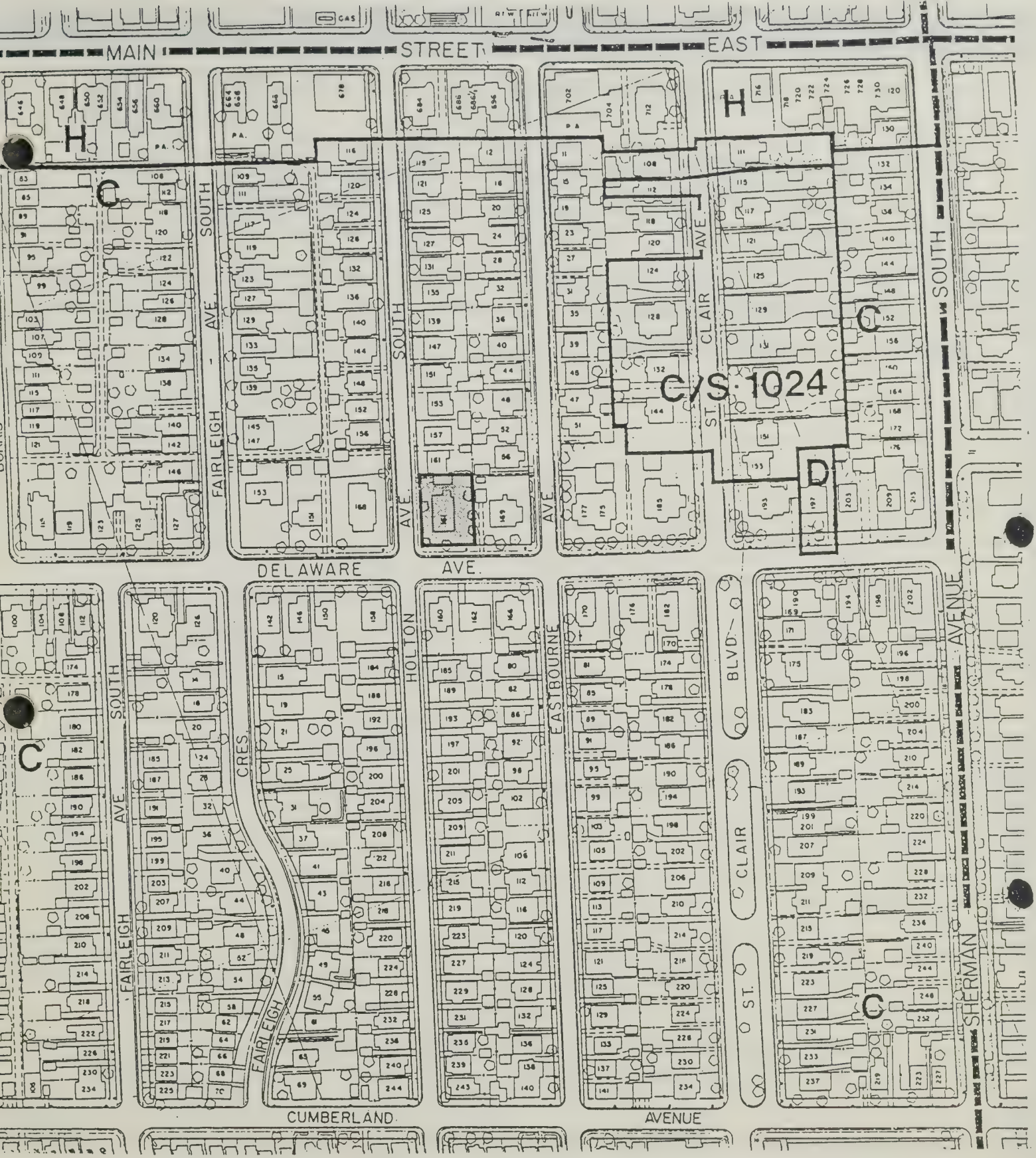
   iii) By-law 76-229 respecting the St. Clair Neighbourhood rezonings was passed by City Council and resulted in the downzoning of this area from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District. The effect of the downzoning to "C" is to eliminate the potential for townhouse development and to permit the conversion to a two-family dwelling subject to the provisions of Section 19 of the Zoning By-law, as opposed to the conversion to a three-family dwelling under the former "D" District. Approval of this application would be contrary to the intent and purpose of By-law 76-229; and,

   iv) the proposal conflicts with recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/ma
ZA9142



LEGEND

SITE OF THE APPLICATION

ZA 91-42

APPENDIX A

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO 526-2720

ZONING VERIFICATION CERTIFICATE

667

667

FOR 161 (MUNICIPAL NO) Delaware (STREET) 63 and 64 (LOT NO.) (SIDE OF STREET)

BETWEEN _____ (STREET) AND _____ (STREET)

OWNER Marash Luigjuraj ADDRESS _____

PROPOSED USE (BE SPECIFIC) two family dwelling

NUMBER OF DWELLING UNITS 2

PRESENT USE (BE SPECIFIC) two family dwelling NUMBER OF DWELLING UNITS _____

EXISTING BUILDING [x]
PROPOSED BUILDING [ ]
VACANT LAND [ ]

INFORMATION REQUESTED BY AND ADDRESS TO WHICH CERTIFICATE WILL BE RETURNED →

SIGNATURE _____

NAME Cain, Gzik, Gardner

ADDRESS 340 Main East

hamilton, Ontario L8N 1J1

SURVEYS (2) YES [2]
ATTACHED? NO [ ]

DATE March 9, 1989

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A C DISTRICT.

SEE SECTION 9 OF ZONNING BYLAW 6593 AS AMENDED BY BYLAW No. -

AND COMMITTEE ADJUSTMENT No. - DISTRICT MAP No. E-23

THE PROPOSED USE: IS PERMITTED [x] IS NOT PERMITTED [ ] IS A LEGALLY ESTABLISHED NON CONFORMING USE [ ]

THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES [ ] NO [x]

COMMENTS Our records indicate a legal single family dwelling only.
It may be possible to convert to a two family dwelling under Section 19 of by-law.
A building permit is required for any new construction.
The location of the dwelling is legal non-conforming.
The garage is approved as shown.

MAR 30 1989

re-typed-photo copy sent

IMPORTANT: – THIS IS A ZONING VERIFICATION ONLY.

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FORM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No. 48864

ZONING VERIFICATION CERTIFICATE ISSUED BY

H.G. /Paul Kuppe/gs
BUILDING COMMISSIONER

FEES 20.00

DATE March 29/89

FORM No 260

APPENDIX B

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Mr. H. Hader	161 Delaware (RES)
345 Berkindale Drive	HAMILTON, Ontario.
Hamilton, Ontario	
L8E 3R8	

TAKE NOTICE THAT THE construction (interior alterations)
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, R.S.O. 1980, Chapter 51, as amended, Section 5(1)	Construction at the above address has commenced without the required permit being issued by the Chief Official.
		REQUIREMENT TO COMPLY:
		Obtain permit for all construction at the above address.

"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e)."

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~/WITHIN seven (7) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	May 31, 1989	M. Oproiu 526-3984	May 31, 1989
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782
8 AM - 9 AM

FORM 384
SBF BUSINESS FORMS INC.

APPENDIX C

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Henry Alphonse Hader	161 Delaware Avenue (RES)
Sophie Hader	HAMILTON, Ontario.
345 Berkindale Drive	
Hamilton, Ontario L8E 3R8	

TAKE NOTICE THAT THE use of dwelling
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-Law 6593, as amended, Section 9	The building is being used as a four (4) family dwelling. REQUIREMENT TO COMPLY: Reduce occupancy to a single family dwelling or legalize the present use.

"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e)."

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~WITHIN ninety (90) days

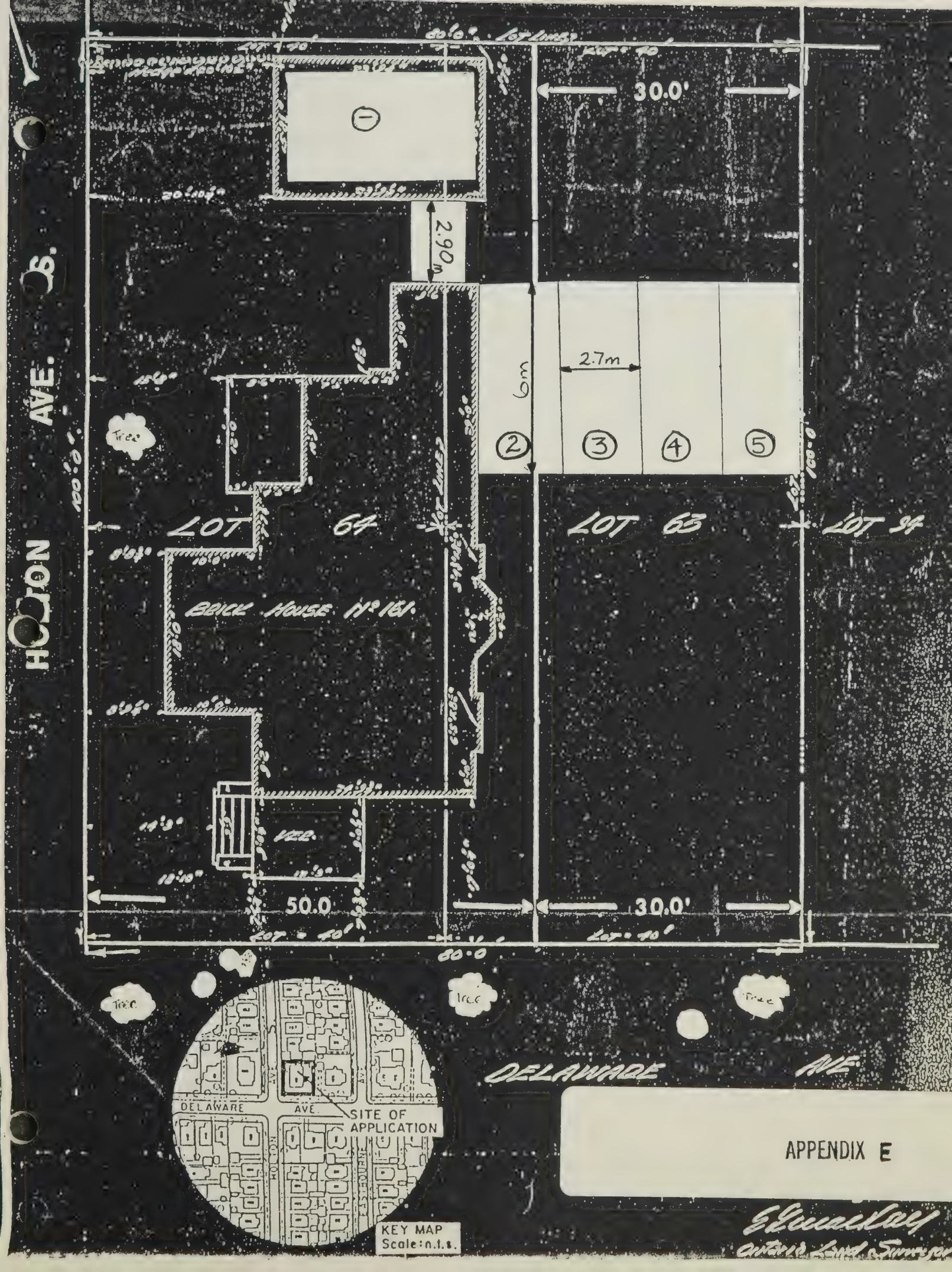
AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	June 19, 1989	M. Oproiu 526-3984	June 19, 1989
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782

FORM 94

APPENDIX D


HOLTON AVE.
30.0'
2.90m
2.7m
6m
1
2
3
4
5
LOT 64
LOT 63
LOT 34
BRICK HOUSE Nº 161
50.0
30.0'
60.0
DELAWARE AVE.
DELAWARE AVE.
SITE OF APPLICATION
KEY MAP
Scale: n.t.s.
APPENDIX E

ZA 91-42

7a

OFFICE OF CHARLES H. FORSYTH
175 Delaware Avenue,
Hamilton, Ontario L8M 1V9
(416) 544-0402

The Armorial Bearings of Forsyth of that Ilk

August 22, 1991

Planning Dept.,
City Hall,
Main Street West,
Hamilton, Ontario

Sirs: Re: ZA 91 - 42
161 Delaware Avenue - H Hader

I wish to record opposition to the application to regularize (in some fashion) the use of the premises as a 4-family dwelling.

This is a totally inappropriate use of the dwelling, which is within a protected neighbourhood. The subject property cannot provide adequate parking, and it is hard to see how the 4 units could in all cases meet minimum size standards.

In any event, such a permission would fly in the face of the stated policy of the City with respect to intensification in the neighbourhood. If the city's policy is to have any credibility; and if neighbourhood conservation is to go hand in hand with viable intensification (as the policy seeks to mandate), then this application must be denied.

Yours truly,

Charles H. Forsyth

cc Ald D Drury
Ald B Hinkley

"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Departme 1991 September 24th".

7b

Alexanian carpet

HEAD OFFICE: 230 KING ST. EAST, HAMILTON, ONTARIO L8N 1B5 TEL.: (416) 522-6806 • FAX: (416) 522-7789

September 16, 1991

RECEIVED
SEP 20 1991
CITY CLERKS

The Corporation of the
City of Hamilton
Planning and Development Committee
71 Main St. West
Hamilton, Ontario
L8N 929

Re: File no. ZA-91-42

Re: Proposed change - modification to the "C" district regulations - 161 Delaware Avenue

Dear Sirs:

I am opposed to this modification. Our home is situated approximately one block away from this particular house. In the last few years Delaware Avenue seems to be losing much of its charm. Trees have been cut down, some dwellings have been allowed to run down, and single family homes have been made into duplexes and triplexes. Some of this activity has been done without the City's knowledge. I have no objection to duplexes, but I draw the line at converting some of these fine homes into triplexes and four family dwellings. It would be a shame if the street deteriorated into one of roominghouses.

161 Delaware Avenue up till 3 years ago, was owned by my wife's mother. The second floor had been converted into a self sufficient apartment, and the house could have been used as a duplex. I am surprised to find that now it has suddenly jumped from a two family dwelling into a four family dwelling. I object strenuously to this.

Please give a consideration to my objection. I can be reached at (416) 522-6806.

Thanking you in advance,

Sincerely,

Albert V. Alexanian
Treasurer
AVA/ew

8

CITY OF HAMILTON

- RECOMMENDATION -

SEP 2 5 1991

DATE: 1991 September 24
ZA-91-44
Thorner Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in zoning - No. 126 Lilacside Drive.

RECOMMENDATION:

That approval be given to Zoning Application 91-44 Catherine Marie Healey (Healey Hair Design), lessee, requesting a modification to the "C" (Urban Protected Residential, etc.) District regulations, to permit a hairdresser as a home occupation use, for property located at No. 126 Lilacside Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

   a) Notwithstanding paragraphs (f) and (h) of Section 2.(2) H.(iii), hairdressing shall be permitted as a home occupation on the following basis:

      1) it is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

      2) there shall not be more than one comb-out centre and one styling sink.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the existing "C" (Urban Protected Residential, etc.) District provisions for property located at No. 126 Lilacside Drive.

The effect of the By-law is to permit a hairdressing salon for one hairdresser only to be operated from the residence as a home occupation.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed modification is to permit the establishment of hairdressing as a home occupation use.

- ZA-87-93

  On December 8, 1987, City Council approved a similar application to permit a hairdresser with one styling sink and one comb out centre to be located in the basement of a semi-detached dwelling at No. 56 Lilacside Drive. To-date, the Building Department have no complaints on file regarding this operation.

APPLICANT:

Catharine M. Healey, (Healey's Hair Design), lessee.

LOT SIZE AND AREA:

Lands located on the west side of Lilacside Drive having:

- 14.3 m (46.9 ft.) of lot frontage;
- 39.06 m (128.16 ft.) of lot depth; and,
- 558.39 m^2 (6,010.7 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to the following policies, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.4 Home occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:

i) A home occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;

ii) A home occupation will occupy only a limited floor area of the dwelling; and,

iii) The home occupation use will not detract from the RESIDENTIAL character of the area.

Further, a home occupation will not be deemed to be a mixed Commercial/Residential Use for the purposes of Subsection A.2.2 of this Plan."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "SINGLE and DOUBLE RESIDENTIAL" use on the approved Thorner Neighbourhood Plan, the proposal does not conflict with the intent of the Plan.

COMMENTS RECEIVED:

- The Building Department, Traffic Department, Hamilton Region Conservation Authority, and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any works within the Lilacside Drive road allowance must conform to the City of Hamilton Streets By-law. Comments from the City Traffic Department with respect to access on the horizontal curve on Lilacside Drive, on site parking, manoeuvring, etc., should be considered."

COMMENTS:

1. The proposal would not conflict with the intent of either the Official Plan or the approved Thorner Neighbourhood Plan.

2. The Planning and Development Committee and City Council have approved a number of zoning applications to establish hairdressing as a home occupation use. In this regard, each operation was limited to one hairdresser living on the premises, one comb-out centre and one styling sink.

   The size limitation placed on hairdressing as a home occupation appears to have effectively reduced the problems associated with this use. In this regard, the Building, Health and Traffic Departments have received no complaints respecting these facilities.

3. The proposal merits consideration for the following reasons:

   a) the business is only part-time in nature and is primarily related to the walk-in trade from area residents;

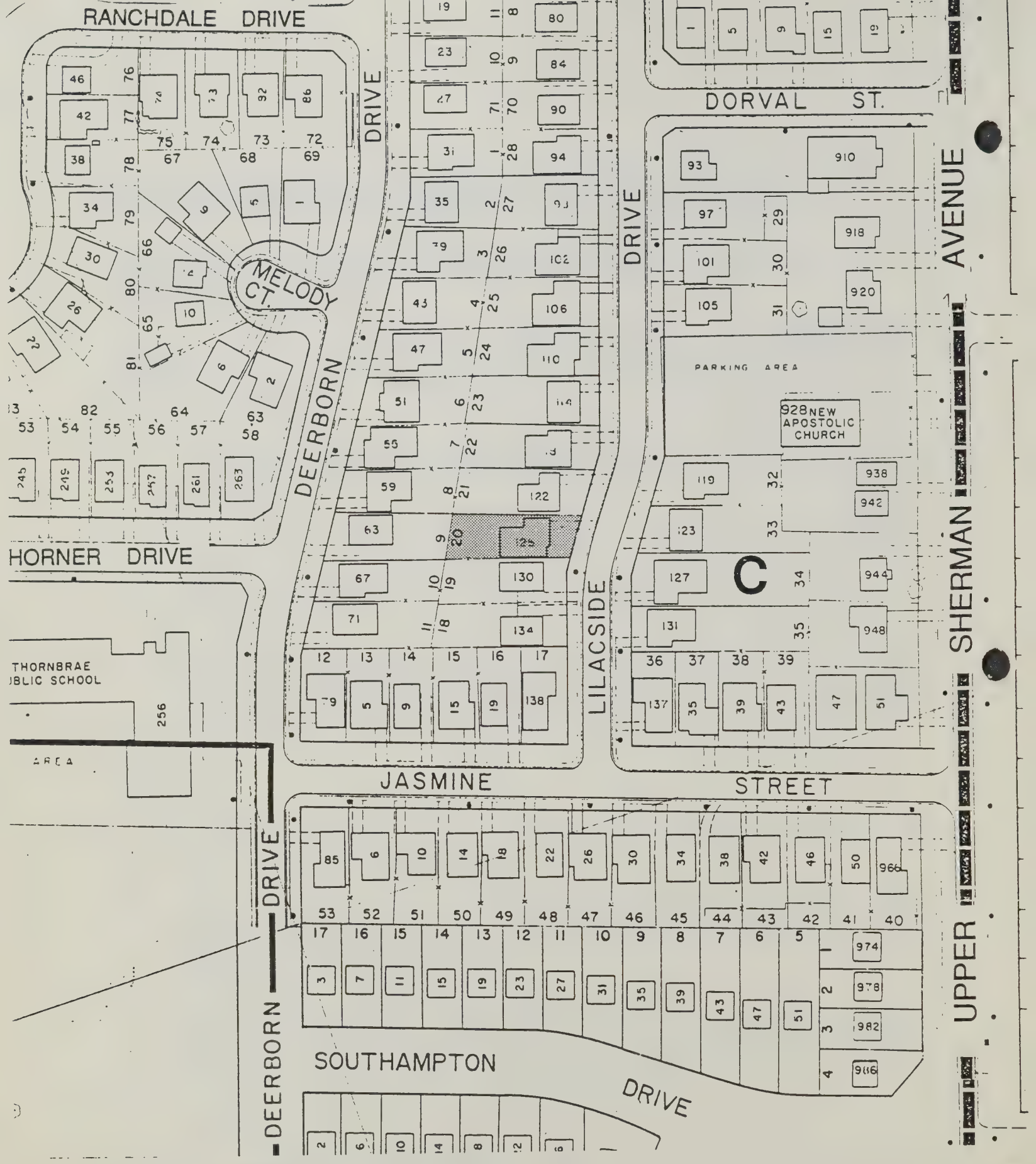
b) the proposal would not affect the demand for on-street parking as the paved driveway could accommodate approximately (6) stacked parking spaces. (see APPENDIX "B");

c) the business would not alter the residential character of the existing dwelling.

CONCLUSION:

On the basis of the foregoing, the proposal can be supported.

GAW/ma
ZA9144



Legend

Site of the Application

ZA 91-44

APPENDIX A



"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Department - 1991 September 24th".

8a

Ray and Gwyn Hall
114 Lilacside Drive
Hamilton, Ontario
L8V 2L7
(416) 383-8196
September 10, 1991

The Corporation of the City of Hamilton
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RECEIVED
SEP 16 1991
CITY CLERKS

Re: **Planning Department File # ZA-91-44**
126 Lilacside Drive, Hamilton
C.M. Healey

Dear Sir / Madam:

We would like to take this opportunity to put forth our opposition to the Zoning Amendment proposed for the above stated address.

Five years and two months ago we moved into our present home, choosing it mainly for its location - accessible to business, but in the midst of a quiet "residential" neighbourhood.

In this time span, we have seen two businesses emerge within homes on our street. The first to surface was Dolores' Hairstyling at 56 Lilacside Drive, and shortly thereafter came Jackie's Neighbourhood Ceramic Classes at 80 Lilacside Drive, both of whom have prominent signs displayed for their business. Now we find ourselves facing the possibility of yet another business, and we cannot accept this. Our district is zoned "C" (Urban Protected Residential), and we believe it is time your committee takes a stand to "protect our residential". Had we wanted to live amongst business, we would have chosen to purchase elsewhere within a commercially zoned area. Please let it be our choice!

There are many young families within our neighbourhood, so we are assuming that if you approve this application, you will be accepting the responsibility should anything happen to any of the children due to increased traffic and strangers frequenting our residential street.

We ask that you take a long and close look at this application. Please consider not only the request of the applicant, but moreso the consequences which will be suffered by the community.

Thank you for giving us the opportunity to review this matter with your committee. We trust you will be fair in your decision.

Sincerely,

R. Hall & Gwyn Hall

CITY OF HAMILTON

- RECOMMENDATION -

9

DATE: 1991, September 24
ZA-91-45; Falkirk West Neighbourhood

SEP 2 5 1991

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Nos. 1062 and 1088 Upper Paradise Road.

RECOMMENDATION:

That approval be given to Zoning Application 91-45, James and Mary Miklos, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for 5 single-family dwellings, for properties located at Nos. 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for properties located at No. 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the creation of 5 building lots for single-family detached dwellings fronting onto Upper Paradise Road.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The purpose of the application is to establish the appropriate zoning to permit the development of five single-family dwelling lots which are to be created by severance applications through the Land Division Committee (see APPENDIX "B").

However, it is understood that 7 private storm water and sanitary drain connections have been installed.

APPLICANTS:

James and Mary Miklos, owners.

LOT SIZE AND AREA:

- 95.66 m (313.86 feet) of lot frontage on Upper Paradise Road;
- 29.6 m (97 feet) of lot depth; and,
- 2,828.29 m^2 (30,444.42 square feet) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	two, single-family dwellings	"AA" (Agricultural) District
Surrounding Lands		
to the north	single-family dwelling	"AA" (Agricultural) District
to the south, and west	vacant land	"AA" (Agricultural) District
to the east	vacant lands and Thomas Moore High School	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL", the proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE HOUSING" in the proposed Falkirk West Neighbourhood Plan. The proposal complies with the intent of the proposed Neighbourhood Plan.

COMMENTS RECEIVED:

- The following Agencies and Departments have no comment or objection:

  - Building Department;
  - Traffic Department;
  - Hamilton Region Conservation Authority; and,
  - Town of Ancaster.

- The Hamilton -Wentworth Engineering Department has advised that:

"There are public watermains available to service these lands. The storm and sanitary sewers are currently under construction and should be available this year.

The designated road allowance width of Upper Paradise Road is 30.48 m. According to our records, the Region previously acquired Parcel 113 of Instrument No. 188447 C.D. and Part 2 of Reference Plan 62R-6637 by Instrument No. 251504 C.D. This is only a portion of the entire frontage being developed and therefore as a condition of rezoning development approval, we require that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Upper Paradise Road road allowance. As the applicant may be aware, it is intended that Upper Paradise be realigned to the west to align with an approved neighbourhood street in the approved Carpenter Neighbourhood Plan and lands may be required from the southern portion of the subject lands to provide for this realignment.

Any works within the Upper Paradise Road road allowance, as widened and realigned etc., must conform to the Region of Hamilton-Wentworth Roads Use By-law.

The City of Hamilton Traffic Department is to comment on access and access design, etc. As the applicant may be aware, there is a vertical crest curve on Upper Paradise Road south of the sujbect lands which limits visibility for motorists entering Upper Paradise from the subject lands. Therefore, rights of ways for access on these lots and the provision of vehicle turnarounds on the new lots, etc. will likely be required until such time as Upper Paradise is realigned vertically etc.

These items will be finalized at such time as the applicant applies for land severances/subdivision approval, etc. but the applicant should be advised of our conditions at this time. Alternatively, the applicant may be required to reconstruct the knoll in the road as a condition of severance/access approval.

The Falkirk West Neighbourhood Plan has not been approved by the Planning Committee or City Council. Since the street layout has not been approved, walkways have not been defined nor land use specified. It is also essential that the street layout is compatible with the new accesses to the high school on the east side of Upper Paradise Road. These matters must be solved at the land severance or plan of subdivision stage."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the proposed Falkirk West Neighbourhood Plan, which designates the subject lands for "SINGLE and DOUBLE RESIDENTIAL".

3. The application has merit and can be supported for the reasons:

   a) it implements both the Official Plan and proposed Falkirk West Neighbourhood Plan;

   b) the proposed rezoning is appropriate for the intended use; and,

   c) the proposed single-family residential uses are compatible with existing and proposed land uses in the surrounding area.

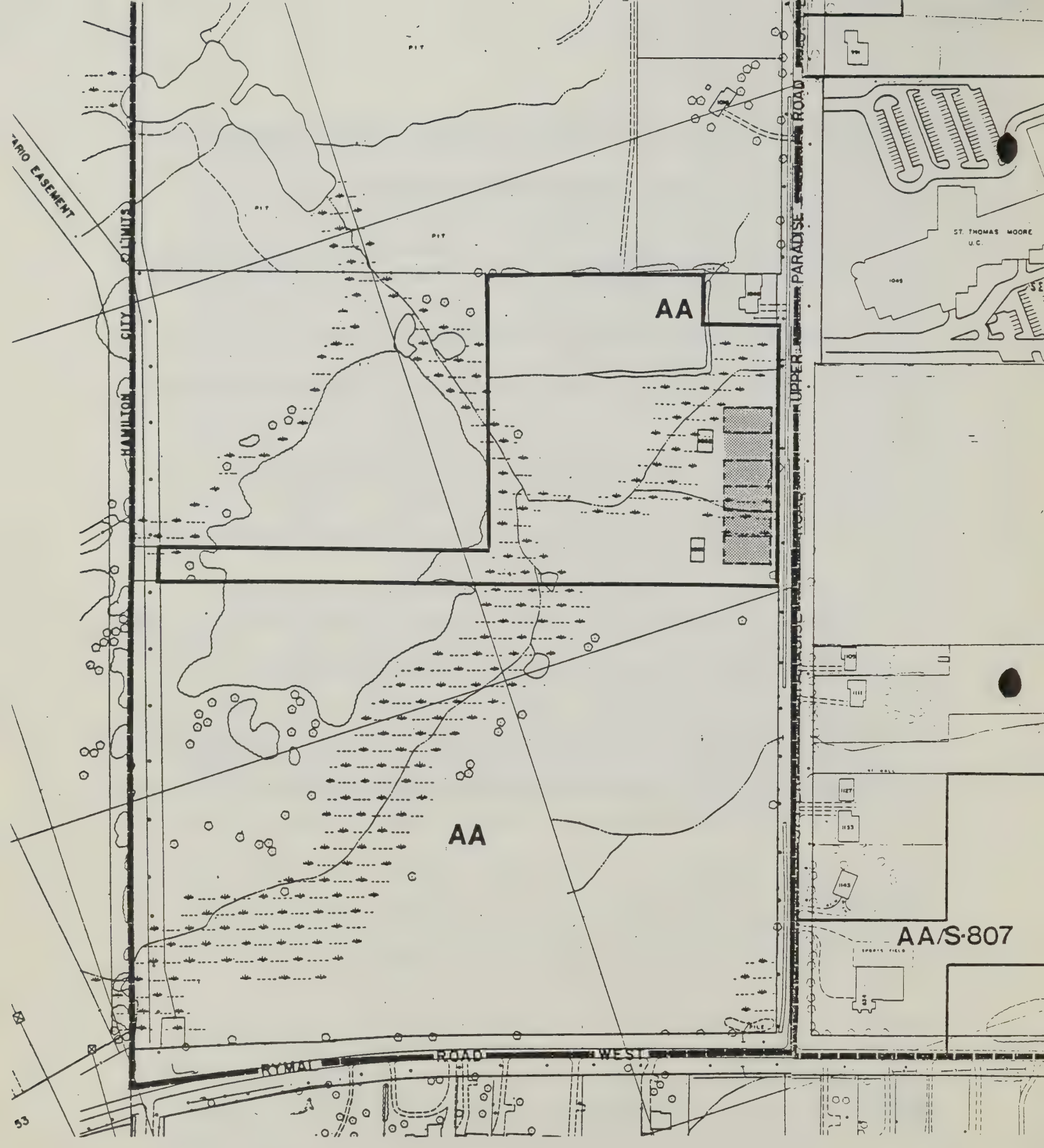
   In this regard, approval of the application would not set a precedent for future applications given the intent of the proposed Neighbourhood Plan. Furthermore, it would not prejudice finalization of the proposed Neighbourhood Plan.

4. For the information of the Planning and Development Committee, the applicant has not submitted applications to the Regional Land Division Committee for approval of the proposed severances. Road widening dedications, road realignment etc., will be dealt with at the land severance stage.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

JHE/ma
ZA9145

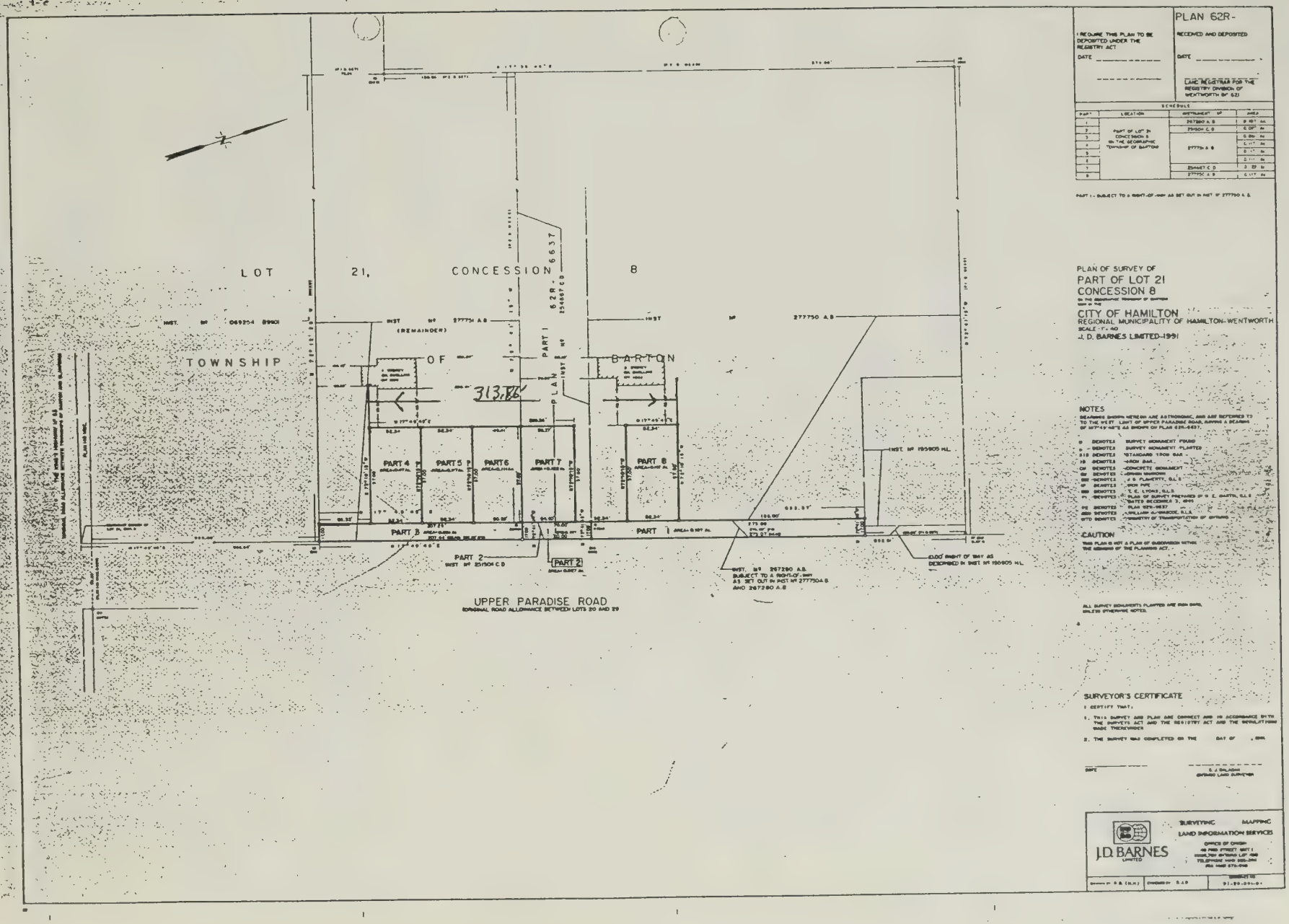


Legend

Site of the Application

ZA 91-45

APPENDIX A



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

DATE _____

PLAN 62R-

RECEIVED AND DEPOSITED

DATE _____

LAND REGISTRAR FOR THE REGISTRY DIVISION OF WENTWORTH (Nº 62)

SCHEDULE

PART	LOCATION	INSTRUMENT Nº	AREA
1	PART OF LOT 21 CONCESSION 8 IN THE GEOGRAPHIC TOWNSHIP OF BARTON	267280 A.B	0.187 Ac
2		251504 C.D	0.097 Ac
3			0.284 Ac
4		277750 A.B	0.117 Ac
5			0.111 Ac
6			0.111 Ac
7		254667 C.D	0.229 Ac
8		277750 A.B	0.117 Ac

PART 1 - SUBJECT TO A RIGHT-OF-WAY AS SET OUT IN INST Nº 277750 A.B.

PLAN OF SURVEY OF
PART OF LOT 21
CONCESSION 8
IN THE GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1" = 40'
© J.D. BARNES LIMITED-1991

NOTES

BEARINGS SHOWN HEREON ARE ASTRONOMIC AND ARE REFERRED TO TO THE WEST LIMIT OF UPPER PARADISE ROAD, BEING A BEARING OF S17°49'40"E AS SHOWN ON PLAN 62R-6637.

- ● DENOTES SURVEY MONUMENT FOUND
- ○ DENOTES SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- CM DENOTES CONCRETE MONUMENT
- SSM DENOTES SANITARY MANHOLE
- SSIC DENOTES J. B. PLAWETTY, O.L.S.
- SP DENOTES IRON PIPE
- SSIB DENOTES T. E. LYONS, O.L.S.
- P1 DENOTES PLAN OF SURVEY PREPARED BY W. E. SMITH, O.L.S. DATED DECEMBER 3, 1991
- PE DENOTES PLAN 62R-6637
- MH DENOTES WILLIAM ALEXANDER, O.L.S.
- MTO DENOTES MINISTRY OF TRANSPORTATION OF ONTARIO

CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

ALL SURVEY MONUMENTS PLANTED ARE IRON BARS, UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____, 199_

DATE _____ S. J. SALADINA ONTARIO LAND SURVEYOR

J.D. BARNES LIMITED

SURVEYING MAPPING
LAND INFORMATION SERVICES
OFFICES OF ONTARIO
49 MAIN STREET, UNIT 1
KINGSTON, ONTARIO K7M 2G3
TELEPHONE (613) 548-3454
FAX (613) 548-3455

DRAWN BY S.B. (S.H.) | CHECKED BY S.J.S. | DRAWING NO. 91-89-004-01

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10

CITY OF HAMILTON

- RECOMMENDATION -

SEP 25 1991

DATE: 1991 September 24
ZA-91-46
Kennedy East Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a Change in Zoning - No. 27 Rymal Road West.

RECOMMENDATION:

That approval be given to Zoning Application 91-46, Christopher Pies Inc., prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a 2 storey retail office building and a one storey restaurant (Tim Hortons) to be developed in conjunction with the adjacent lands to the east, for the property located at No. 27 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

a) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-9D and W-9E be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 27 Rymal Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit redevelopment of the site for a 2 storey, retail office building and a one storey restaurant (Tim Hortons) to be developed in conjunction with the adjacent lands to the east.

In addition, the By-law requires a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, to be provided and maintained along the southerly rear lot line.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/LEGAL/STAFFING IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  It is the applicant's intention to redevelop this site in conjunction with the lands located at No. 21 Rymal Road West for a 2 storey retail office building and a one storey restaurant (Tim Hortons). Thirty nine (39) parking spaces are to be provided on-site.

- ZA-90-34

  The lands at No. 21 Rymal Road West were rezoned in 1990 from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for a 4 storey building with a Tim Hortons Donuts on the first floor and offices above. These lands are now being consolidated with the subject lands.

- ZA-90-72

  Application was made for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "G-3" (Public Parking Lots) District for property at No. 22 Kennedy Avenue to permit the establishment of a parking lot to be used in conjunction with the future commercial development at No. 21 Rymal Road West.

  The application was denied by the Planning and Development Committee at its meeting of December 5, 1990, and subsequently denied by City Council on December 11, 1990 for the following reasons:

  "(a) It conflicts with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan which designate the lands as "Residential" and "Single and Double Residential", respectively;

(b) The proposal would be incompatible with adjoining residential properties to the west and south and would be an intrusion of a commercial use into a residential neighbourhood. In this regard, approval of the application would encourage other similar applications which, if approved, would undermine the residential character of the area and the intent of the approved Kennedy East Neighbourhood Plan; and,

(c) Development of the lands should more appropriately be in conjunction with the adjoining commercially designated land on Rymal Road West."

APPLICANT:

Christopher Pies Inc., prospective owner.

LOT SIZE AND AREA:

- 19.07 m (62.0 ft.) of lot frontage on Rymal Road West;
- 60.96 m (200.0 ft.) of lot depth; and,
- 1,162.9 m^2 (12,400 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	vacant	"G-1" (Designed Shopping Centre) District

to the south	single-family dwellings	"B" (Suburban Agriculture and Residential) District
to the east	commercial	"HH" (Restricted Community Shopping and Commercial) District
to the west	single-family dwelling	"HH" (Restricted Community Shopping and Commercial) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, the proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

Designated "COMMERCIAL" on the approved Kennedy East Neighbourhood Plan, the proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agencies have no comments or objections:

  - Trans Canada Pipelines; and,
  - Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

  "While we have no objection to the change in zoning, we do have a number of comments to make regarding the submitted site plan as we discussed with the applicant on June 28, 1991. They are as follows:

1. We recommend that the property be developed in conjunction with the adjoining properties to allow for a more comprehensive development with co-ordinated parking, manoeuvring area, and driveway accesses. If this is not possible at this time, the plan should allow for this possibility in the future.

2. We recommend that the seven parking spaces against the north wall of the restaurant be moved to the north property line to improve on-site circulation. This will then make it necessary to move the loading space further south and modify the building design to accommodate vehicle movements.

3. The owner should be aware of the possibility of being restricted to a right-turn in/right-turn out only access.

4. It is our understanding that the applicant is now proposing 80 seats in the restaurant. Based on a practical occupancy of two persons/car, 40 spaces would be required for the restaurant use. Parking would also be needed for the retail/commercial area. [(710 m^2 - 450 m^2) ÷ 31 = 9]

   Therefore, we feel a more realistic number of required parking spaces would be 49. The applicant is proposing 39.

5. We recommend that the two parking spaces in the north/east corner of the property be eliminated to remove any vehicular conflict close to Rymal Road West.

Based on the above, we recommend that if approved, the proposed zoning not be forwarded to City Council for finalization until an appropriate site plan has been approved and registered on title."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Rymal Road is 36.0 m. We have prepared specific widening plans for this section of Rymal Road. Therefore, we require that a strip of land 4.894 m in width along the entire frontage of lands being developed be dedicated to the Region for road widening purposes as a condition of development approval.

The City of Hamilton Traffic Department is to comment on access location and design and on-site manoeuvring etc. As we have stated in previous comments on adjacent zoning applications, these lands should also be developed in conjunction with lands to the west since there is only one remaining residential property left. This would combine access and manoeuvring and minimize the number of access points to Rymal Road.

The site plan prepared for this property should also provide for common access to lands to the west and these right-of-ways and the site plan should be registered on title to ensure our concerns are addressed at such time as adjacent lands are developed.

The applicant should also be advised that we are preparing preliminary functional roadway reconstruction plans for this section of Rymal Road. These roadway improvements are to include the construction of left turn lanes, channelization and raised concrete median islands. Therefore, the applicant should be advised at this time the access to this property may be restricted to right turn in and right turn out only and that any roadway improvements required on Rymal Road as a result of this development approval are the responsibility of the applicant/owner. Further, details will be submitted at such time as site plans are forwarded to our office for our review and approval."

- The Building Department has advised that:

"1. Based on the concept drawing, this property is to be developed which the lands known as 21 Rymal Road West.

2. By-law 90-251, pertaining to No. 21 Rymal Road West with has special requirements of a 3.0 m wide planting strip and a visual barrier along the southerly rear lot line. Therefore, it is recommended that the same special requirements shall be applicable to this property.

3. The existing residential building requires demolition approval by the Planning and Development Committee under the Demolition Control By-law."

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the approved Kennedy East Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   a) it implements the intent of both the Official Plan and the approved Kennedy East Neighbourhood Plan;

   b) it would be compatible with existing and future intended commercial development along both sides of Rymal Road West, west of Upper James Street;

   c) the requested zoning would be consistent with other commercially zoned land recently approved along the south side of Rymal Road West,[(ZA 90-34 - No. 21 Rymal Road East), (ZA-89-21 - 35 Rymal Road West), (ZA-89-25 - 41 Rymal Road West), (ZA-89-71 - 57 Rymal Road West), (ZA-90-11 - 79 Rymal Road West)]; and,

   d) it will allow for the comprehensive development of this site with the lands to the east (No. 21 Rymal Road East), which is inkeeping with staff's previous recommendation concerning ZA-90-72 for No. 22 Kennedy Avenue (see BACKGROUND).

3. The subject lands abut a residential zoning district to the south. In order to provide privacy and protection for the existing residential uses, a visual barrier of not less than 1.2 m (3.92 ft.) and not more than 2.0 m (6.56 ft.) high should be provided and maintained along the southerly lot line. In addition, the "HH" District regulations require a rear yard setback of at least 6.0 m (19.69 ft.) to be provided. Within this setback, the applicant should be required to provide a landscaped planting strip having a width of at least 3.0 m (9.84 ft.) in order to mitigate any possible adverse effect of the proposal on the adjacent residential uses.

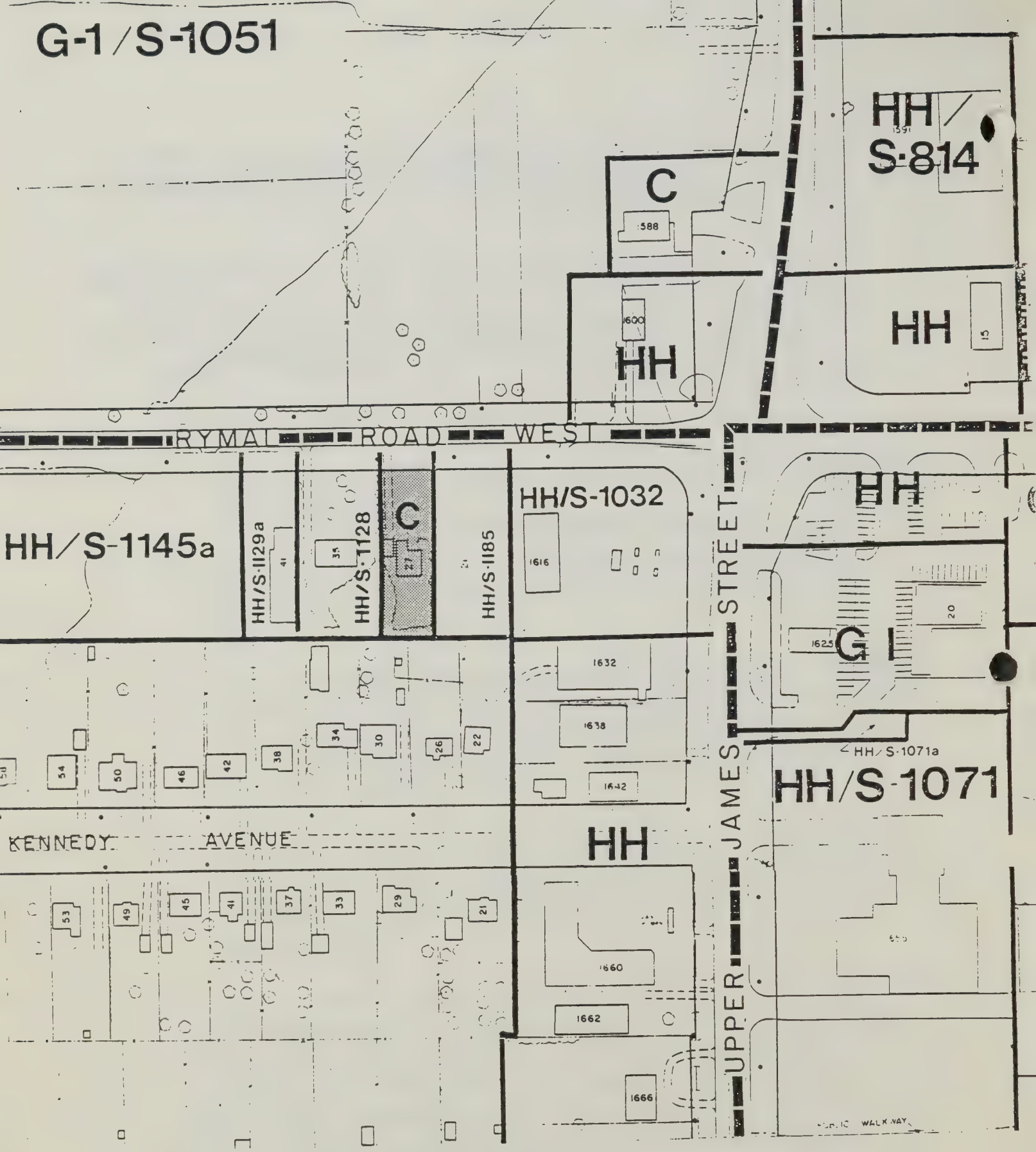
4. In regards to the Traffic Department's comments, the by-law requires 23 parking spaces for the development whereas the applicant is providing 39 parking spaces, 16 spaces in excess of the required number.

5. The "HH" District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In this regard, matters such as access, grading, landscaping, parking, loading, fencing, road widenings, etc., can be reviewed at the site plan control stage of development. Furthermore, the concerns of the Traffic and Engineering Departments can be addressed.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

JHE/ma
ZA9146


G-1/S-1051
HH/S-814
C
1588
1600
HH
HH
15
RYMAL ROAD WEST
HH/S-1145a
HH/S-1129a
41
35
HH/S-1128
C
27
HH/S-1185
HH/S-1032
1616
HH
JAMES STREET UPPER
1625
G
20
1632
1638
1642
HH/S-1071a
HH/S-1071
54
50
46
42
38
34
30
26
22
KENNEDY AVENUE
HH
53
49
45
41
37
33
29
21
1660
1662
1666
PUBLIC WALKWAY
Legend
Site of the Application
ZA 91-46

"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Department - 1991 September 16th".

ROSART
PROPERTIES INC.

10a

September 11, 1991

RECEIVED
SEP 16 19
CITY CLERKS

The Secretary
Planning and Development Committee
Planning and Development Department
Hamilton City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

RE: Your File No. ZA-91-46
27 Rymal Road West, Hamilton

Dear Sirs:

Enclosed please find our business reply card **opposing** the proposed zone change to permit the development of the subject property in conjunction with the adjacent property to the east for a restaurant (Tim Horton) and retail/office use.

We request a copy of the report which will be presented at the October 02, 1991, public meeting. Kindly advise by telephone when same is available that we may make arrangements to pick it up.

Thanking you, in advance.

Yours truly,

ROSART PROPERTIES INC.

Ken Rosart

KR/eb

226 SOUTH SERVICE ROAD E. OAKVILLE, ONTARIO L6J 2X5
DIRECT LINES OAKVILLE 845-7711 HAMILTON 639-2222 FAX 845-9860

"Copy sent to Mr. A. Georgieff, Director of Local Planning and Ms. Patrice Noé Johnson, City Solicitor - Law Department 1991 September 16th".

10b

McDonald's

RECEIVED
SEP 16 1991
CITY CLERKS

September 13, 1991

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Ms. Charlene Coutts

Dear Sirs:

Re: 27 RYMAL ROAD WEST
2A-91-46

Please be advised that we object to the change in zoning from "C" (Urban Protected Residential) District to "HH" (Restricted Community Shopping and Commercial) District for the above referenced site. We believe that there is considerable traffic congestion in this area, and that an additional commercial zone would serve only to aggravate the existing problem.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly

McDONALD'S RESTAURANTS OF CANADA LIMITED

Nidae Abbas
Real Estate Representative

NA/jb/1282-77
Encl.

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11

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991, August 2
ZA-90-74
Industrial Sector "E" - McAnulty Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Request for a modification in Zoning - No. 49 Holly Avenue.

RECOMMENDATION:

That Zoning Application 90-74, Antonette Biggs, owner, requesting a modification to the "D" (Urban Protected Residential District - One and Two-Family Dwellings, Townhouses, etc.) District, to permit a two-family dwelling, for the property located at No. 49 Holly Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) It represents an over intensification of land use in that the lot frontage is 11.43 m and the lot area is 348.4 m^2 whereas the by-law requires a lot frontage of 18 m and a lot area of 540 m^2. In addition, variances are required for the front and side yards and to permit the one parking space in the front yard.

ii) It is incompatible with the surrounding development in the area which is characterized by single-family dwellings; and,

iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.

per J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

APPLICANT:

Antonette Biggs, owner.

BACKGROUND:

- Current Proposal

  The applicant wishes to permit a two-family dwelling. The building permit was issued for a single-family dwelling but the existing building has 2 front doors (see APPENDIX "B").

- Committee of Adjustment Application (A-89:243)

  In 1989, the owner requested a variance to permit a 5.5 m front yard and the required parking in the front yard for a single-family dwelling. The variances were granted by the Committee of Adjustment at its meeting of September 6, 1989.

LOT SIZE AND AREA:

- 11.43 m (37.5 ft.) of lot frontage on Holly Avenue;
- 30.48 (100 ft.) of lot depth; and,
- 348.4 m^2 (3,750 sq.ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
Surrounding Lands		
to the north	Tire Shop	"H" (Community Shopping and Commercial, etc.) District
to the south, east and west	single-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal does not conflict with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE HOUSING" on the approved McAnulty Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and Agency have no comments or objections:

  - Traffic Department;
  - Hamilton-Wentworth Police Department; and,
  - Hamilton Region Conservation Authority.

- The Building Department has advised that:

"1. Section 10 of the By-law permits a two-family dwelling subject to the following:

Lot Width	18.0 m (59.06')	Side Yards	1.2 m (3.94')
Lot Area	540.0 m^2 (5812.7 sq.ft.)	Rear Yard	7.5 m (24.61')
Front Yard	6.0 m (19.69')		

One parking space per dwelling unit located on the lot and not in the required front yard.

2. This proposed development of a two-family dwelling does not conform to the minimum requirements.

3. The Committee of Adjustment Application A-89:243 only permits a proposed single-family dwelling to provide a 5.5 m front yard and the required parking space to be located in the front yard.

4. This Department issued a building permit October 1989 for a single-family dwelling, which is presently under construction."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

There are no road allowance widenings anticipated at this time.

Any works which may occur within the Holly Avenue road allowance must conform to the City of Hamilton's Streets By-law."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan or the approved McAnulty Neighbourhood Plan.

2) The proposal cannot be supported for the following reasons:

   a) it represents an over intensification of land use in that the lot frontage is 11.43 m and the lot area is 348.4 m^2 whereas the by-law requires a lot frontage of 18 m and a lot area of 540 m^2. In addition, variances are required to the front and side yards and to permit the parking in the front yard;

   b) it is incompatible with the surrounding development in the area which is characterized by single-family dwellings; and,

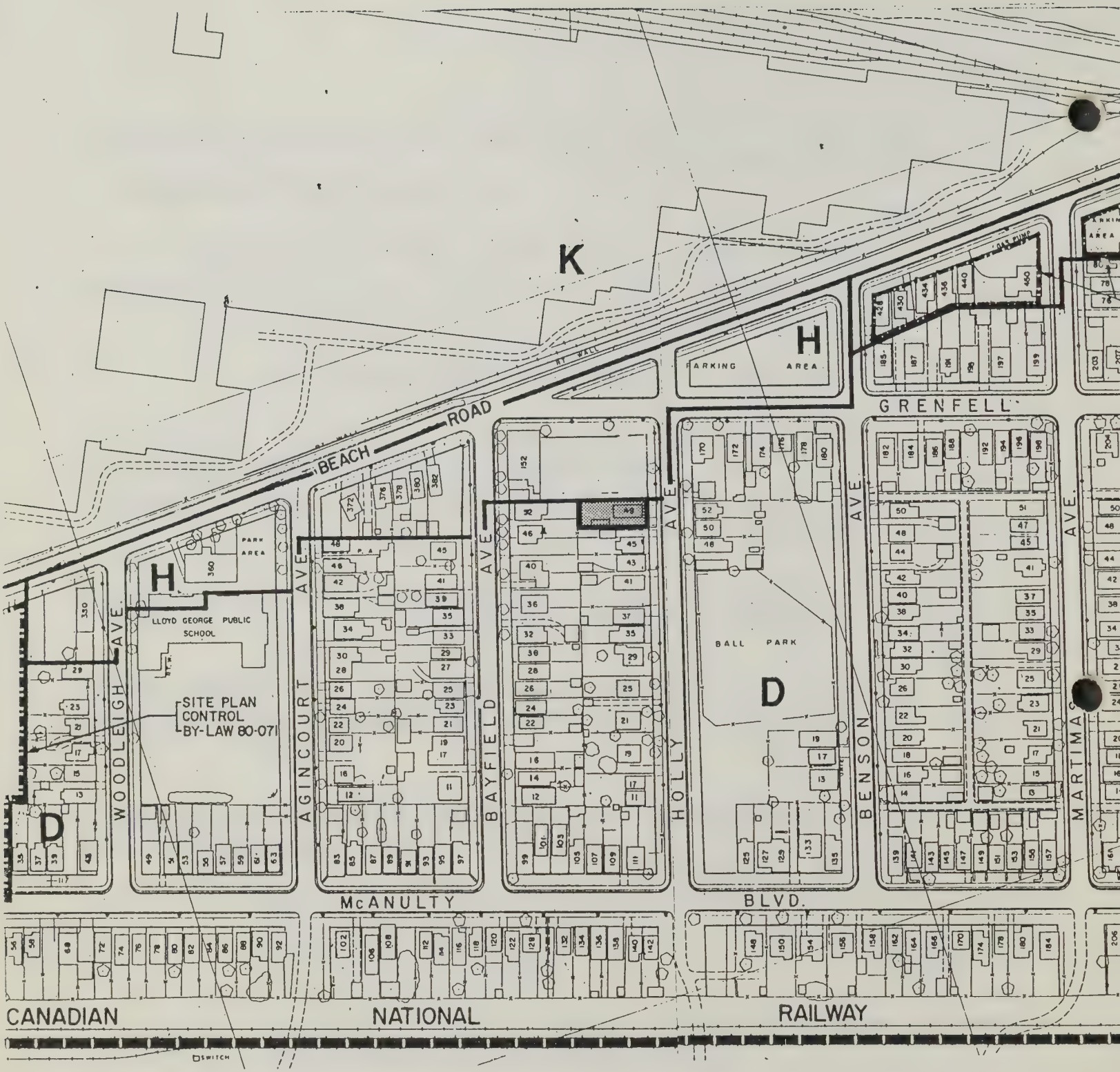
   c) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and alter the character of the area.

3. For the information of the Committee, the house has been built recently and has the external appearance of a two-family dwelling with 2 doors located at the front of the building (see APPENDIX "B").

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
ZA9074



ZA90-74

Legend

Site of the Application

49 Holly Avenue



Picture Taken July 29, 1991

APPENDIX B

URBAN/MUNICIPAL
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PLANNING AND DEVELOPMENT COMMITTEE MEETIN(

WEDNESDAY, 1991 OCTOBER 2

CONSENT AGENDA

ADOPTION OF MINUTES

A. Minutes of the Planning and Development Committee for its meeting held 1991 September 18.

BUILDING COMMISSIONER

B. Demolition Permit Application - 258 Beach Boulevard.

DIRECTOR OF PROPERTY

C. Expropriation by City of Hamilton - 9 Gerrard Street - 573667 Ontario Ltd. (Residential Enclave Clearance Program) - Agreement by Owner to Accept Compensation.

D. Release of Building Covenants - Basil Alfred Williams and Edward Charles Cummings, Part of Block 17 and Part of Lot 10, Plan 62M-352, 1060 Rymal Road East.

DIRECTOR OF LOCAL PLANNING

E. By-law to remove Part-Lot Control from Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78-138 inclusive of Registered Plan 62M-639.

Wednesday, 1991 September 18
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor R. Morrow
Alderman H. Merling
Alderman W. McCulloch
Alderman D. Wilson
Alderman V. Formosi
Alderman M. Kiss
Alderman D. Ross

Also present: Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning Department
Mr. B. Janssen, Planning Department
Mr. J. Robinson, Building Department
Mr. K. Brenner, Regional Engineering Department
Ms. P. Noé Johnson, City Solicitor
Mr. B. Allick, Building Department
Mrs. N. Chapple, Planning Department
Mr. W. Wong, Building Department
Mr. M. Watson, Real Estate Division, Property Department
Ms. V. Grupe, Planning Department
Mr. D. Kelterborn, Hamilton Board of Education
Mr. A. Zuidema, Law Department
Mr. R. Karl, Traffic Department
Mr. R. Meiers, Regional Engineering Department
Mr. L. Farr, Law Department
Miss C. Coutts, Secretary

CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Developme Committee for its meeting held 1991 August 21 and these minutes were approved circulated.

BUILDING COMMISSIONER

B. Hamilton Rehabilitation Programme Application - 13 Albemarle Street.

The Committee was in receipt of a report dated 1991 August 19, from the Build Commissioner, respecting the above-noted matter. The Committee approved t following recommendation:

> That a Hamilton Rehabilitation Programme (H.A.R.P.) application approved for 13 Albemarle Street, Diana & Gerald Crewe. The act amount of grant or loan to be determined by inspection of the property un Property Standards By-law 74-74, and pursuant to By-law 78-133 for t Hamilton Rehabilitation Programme (H.A.R.P.).

C. **Demolition Permit Application - 403 Sherman Avenue North.**

The Committee was in receipt of a report dated 1991 September 9, from the Building Commissioner, respecting the demolition of 403 Sherman Avenue North. The Committee approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 403 Sherman Avenue North.

D. **Demolition Permit Application - 1258 Upper Wentworth Street.**

The Committee was in receipt of a report dated 1991 September 9, from the Building Commissioner, respecting the demolition of 1258 Upper Wentworth Street. The Committee approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 1258 Upper Wentworth Street.

E. **City of Hamilton Heritage Programme - 172-176 Locke Street South.**

The Committee was in receipt of a report dated 1991 September 3, from the Building Commissioner, respecting the above-noted matter. The Committee approved the following recommendation:

> That an increase of one thousand, and sixty-four dollars ($1,064.) under the Community Heritage Trust Fund for a revised loan amount of nine thousand, one hundred and forty-four dollars ($9,144.) be approved for Mr. H. Ollesch, 172-176 Locke Street South, Hamilton. The interest rate will be six percent, amortized over ten years.

F. **City of Hamilton Heritage Programme - 27 Bold Street.**

The Committee was in receipt of a report dated 1991 September 10, from the Building Commissioner, respecting the above-noted matter. The Committee approved the following recommendation:

> That an increase of one hundred and fifty dollars ($150.) for a Designated Property Grant for a revised grant amount of one thousand, nine hundred and fifty dollars ($1,950.) be approved for Mrs. Roshan Dharsee, 27 Bold Street, Hamilton.

MANAGER OF PURCHASING

G. **Supply, Deliver and Install Office Furniture, Building Department.**

The Committee was in receipt of a report dated 1991 September 3, from the Manager of Purchasing, respecting the above-noted matter. The Committee approved the following recommendation:

> That a purchase order be issued to The Landmark Group Ltd., Mississauga, in the amount of $57,284.99 plus applicable taxes, to supply, deliver and install Office Furniture in the Building Department, being the lowest acceptable of four quotations received, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and that this expenditure be financed through Renovate Building Department, Administration and PX Divisions, Furniture and Fixtures Account No. CF509141017 5330.

H. **Landscaping Improvements of Central/Beasley (P.R.I.D.E.) - McLaren Park.**

The Committee was in receipt of a report dated 1991 September 17, from t Manager of Purchasing, respecting the above-noted matter. The Committ approved the following recommendation:

> That a purchase order be issued to 877138 Ontario Inc. o/a Bu Contracting, Stoney Creek, in the amount of $147,987.69 including all ta being the lowest of five (5) quotations received for landscape improvemen Central/Beasley P.R.I.D.E., in accordance with specifications issued by t Manager of Purchasing and Vendor's tender, and that this expenditure financed through Central/Beasley P.R.I.D.E., Account No. CF5200 4290020

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

I. **South Hill - Phase 2, Hamilton - Cash Payment-in-Lieu of 5% Parkland Dedicati**

The Committee was in receipt of a report dated 1991 September 4, from t Commissioner of Transportation/Environmental Services, respecting the above-not matter. The Committee approved the following:

> That the City of Hamilton accept the sum of $18,500. as cash payment in li of the 5% land dedication in connection with "South Hill - Phase Hamilton, being the cash requirement under Section 50 of the Planning A The lands of South Hill - Phase 2 are located south of Rymal Road West a west of Upper James Street in the Kennedy East Neighbourhood.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

J. **Gardener's Cottage, 25 Tecumseh Street - Support for Proposed City Acquisitio**

The Committee was in receipt of a report dated 1991 August 27, from the Secret of the Local Architectural Conservation Advisory Committee advising the Committ of the Local Architectural Conservation Advisory Committee's support of the Cit proposal to purchase the property at 25 Tecumseh Street, originally the Gardene Cottage on Sir Allan MacNab's Estate as an adjunct to the grounds of Dundu Castle, as recommended by the Department of Culture and Recreation. T Committee **received** this report as circulated.

K. **Princess Elizabeth School, 235 Bowman Street - Designation, Ontario Heritage A**

The Committee was in receipt of a report dated 1991 August 27, from the Secret of the Local Architectural Conservation Advisory Committee, with respect to t above-noted matter. The Committee approved the following recommendation:

(a) That approval be given to the "Intent to Designate" Princess Elizab School as a property of historical and architectural value, pursuant the provisions of the Ontario Heritage Act, 1983, as outlined in t Reasons for Designation attached to the report as Appendix "A";

(b) That the City Solicitor be authorized and directed to take appropri action to have this property designated pursuant to the provisions the Ontario Heritage Act, 1983.

REGULAR AGENDA

DELEGATION

2. Wellington Chase and Separate School Board Land Exchange - Parkland Credit, Hamilton.

The Committee was in receipt of a report dated 1991 September 10, from the Commissioner of Transportation/Environmental Services, respecting the above-noted matter.

Mr. Konrad Brenner, Regional Engineering Department, addressed the Committee with respect to this matter and explained why the Department is recommending that the transfer of 5% parkland credit to facilitate a land transfer between Wellington Chase Inc. and the Roman Catholic Separate School Board be denied.

Mr. Parente, representing Wellington Chase Inc., and Mr. R. O'Neil, representing the Roman Catholic Separate School Board, were also in attendance to address this matter. Mr. Parente circulated a submission to the Committee which detailed the land transfer and the history of this request.

After considerable discussion, the Committee did not support Staff's recommendation to deny this request, but approved the following:

> That the 5% Parkland Credit for Block 69 of Plan 62M-577, be transferred to the lands on Upper Wentworth Street and Balharbour Drive, to be owned by Wellington Chase Inc.

DIRECTOR OF PROPERTY

3. Release of Building Covenants - Altofort Development Inc. (Fortino's) Hamilton, Industrial Park No. 1, Lot 7 and North Half of Lot 6, Plan M-227, Lancing Drive, Hamilton, Ontario.

The Committee was in receipt of a report dated 1991 August 22, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

> That the Mayor and the City Clerk be authorized to execute the necessary documents to release Altofort Development Inc., Hamilton from the construction covenants to the City as contained in Deed Instrument Numbers 199581 L.T. and 199582 L.T., Lot 7 and the north half of Lot 6, Plan M-227, Part 1, 62R-8630, Lancing Drive registered on 1987 May 4.

4. **Expropriation by City of Hamilton - 211 Brant Street, Mr. Joseph Kusz.**

The Committee was in receipt of a report dated 1991 September 10, from Director of Property, respecting the above-noted matter. The Committee appro the following recommendation:

(a) That an Agreement by Owner to Accept Compensation for property of Mr. Joseph Kusz, executed on 1991 September 10 a scheduled for closing on or before 1991 November 30, be accepted a completed. The subject property being Municipal Number 211 Br Street, having a total frontage along the northern limit of Brant Str 21.505 metres (70.55 feet) more or less, shown as Part 2 Expropriation Plan No. 79835, together with all structures erec thereon. That the total compensation of $78,000. along with associated costs be charged to Account Number CF 55903 08750 (Land Acquisition - Enclave Clearance Program) and that demolit of the structure at 211 Brant Street take place upon closing.

(b) That the Mayor and City Clerk be authorized to execute t Agreement on behalf of the City.

BUILDING COMMISSIONER

5. **Housing Framework for Ontario and Government Land for Housing.**

The Committee was in receipt of a report dated 1991 September 11, from Building Commissioner, respecting the above-noted matter.

The Committee approved the following recommendation:

(a) That City Council endorse the Association of Municipalities Ontario's position papers on the Provincial Government's Ministry Housing Green Papers entitled, "A Housing Framework for Ontar and "Government Land for Housing"; and,

(b) That the City of Hamilton request the Province of Ontario to cond another round of consultations on their "preferred approach" bef passing Provincial legislation.

6. **161 Delaware Avenue**

The Committee was in receipt of an Information Report dated 1991 September from the Building Commissioner, respecting the above-noted matter.

Alderman Don Drury, Vice-Chairman, requested that this item be placed on Agenda as he had some concerns with respect to the enforcement of the Zoning law. Given that Alderman Drury was not in the room at the time that this item to be discussed, the Committee agreed to table this matter.

REFERRAL FROM CITY COUNCIL

7. Letter from Mr. Andy Robertson, re: Sale of City Owned Lands - Gerrard and Brant Streets to Philip Enterprises Inc.

The Committee was in receipt of a letter dated 1991 August 14, from Mr. Andy Robertson, 240 Bendamere Avenue, Hamilton, respecting the above-noted matter. The Committee was also in receipt of a report dated 1991 August 30, from the Director of Property, responding to the comments made by Mr. Robertson in his letter that was submitted to City Council.

After some discussion, the Committee approved the following recommendation:

> That the letter dated 1991 August 14, from Mr. Andy Robertson, respecting the sale of City owned lands on Gerrard and Brant Streets to Philip Enterprises Inc., **be received.**

DURAND NEIGHBOURHOOD PLAN IMPLEMENTATION COMMITTEE

8. Traffic Measures in Durand Neighbourhood.

The Committee was in receipt of a report dated 1991 September 10, from the Chairperson of the Durand Neighbourhood Plan Implementation Committee, with respect to Traffic Measures in Durand Neighbourhood.

After some discussion, the Committee approved the following:

> That the following resolutions of the Durand Neighbourhood Plan Implementation Committee concerning proposed Traffic Measures in the Durand Neighbourhood be referred to the Transport and Environment Committee:
>
> (a) That there be no right turn from northbound on Queen Street to eastbound on Aberdeen Avenue, between the hours of 7:00 a.m. to 9:00 a.m. Monday to Friday, as contained on page 32 of the approved Durand Neighbourhood Plan;
>
> (b) That the proposal for two way operation of Queen Street, from Main Street to Garth Avenue, be referred back to Traffic Department for further review, particularly with regard to the impacts of the proposal on the residents of the two adjacent neighbourhoods.

The Committee then adjourned at 10:00 o'clock a.m. and would reconvene at 10:30 o'clock a.m. to consider the Zoning Applications on the Agenda.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

9. **Zoning Application 91-31, A. and S. Aceti, owners, for a change in zoning from ' to "C" for property at 193 Stone Church Road West; Sheldon Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 23, from t Commissioner of Planning and Development, respecting the above-noted matte

Mr. Paul Mallard, Planning Department, made a presentation with respect to t Zoning Application and informed Committee members that of the 21 noti circularized; 1 was received in favour; and 3 were received in opposition.

The Committee approved the following recommendation:

> That approval be given to Zoning Application 91-31, Antonio and Sest Aceti, owners, for a change in zoning from "B" (Suburban Agricultural a Residential, etc.) District to "C" (Urban Protected Residential, etc.) Distr to permit the creation of two additional single-family residential lots, for property known as 193 Stone Church Road West, as shown on the attacl map marked as Appendix "B", on the following basis:
>
> (a) That the subject lands be rezoned from "B" (Suburban Agricultural a Residential, etc.) District to "C" (Urban Protected Residential, e District;
>
> (b) That the City Solicitor be directed to prepare a By-law to amc Zoning By-law 6593 and Zoning District Map W-9C for presentat to City Council; and,
>
> (c) That the proposed change in zoning is in conformity with the Offi Plan for the Hamilton Planning Area.

10. **Zoning Application 91-38, F. and T. Dalpetz, owners, for a change in zoning fr "AA" to "C" for property at 297 Stone Church Road West; Sheldon Neighbourho**

The Committee was in receipt of a report dated 1991 August 28, from Commissioner of Planning and Development, respecting the above-noted matte

Mr. Paul Mallard, Planning Department, made a presentation with respect to Zoning Application and Mr. Fred Dalpetz, owner, was present and requested Committee to support this Zoning Application.

The Committee approved the following recommendation:

> That approval be given to Zoning Application 91-38, Fred and Ther Dalpetz, owners, requesting a change in zoning from "AA" (Agricultu District to "C" (Urban Protected Residential, etc.) District, for prope located at 297 Stone Church Road West, as shown on the attached n marked as Appendix "C", on the following basis:
>
> (a) That the subject lands be rezoned from "AA" (Agricultural) Distric "C" (Urban Protected Residential, etc.) District;
>
> (b) That the City Solicitor be directed to prepare a by-law to amc Zoning By-Law No. 6593 and Zoning District Map W-17C presentation to City Council;
>
> (c) That the proposed change in zoning is in conformity with the Offi Plan for the Hamilton Planning Area.

Mr. Juraj Sulug, owner, stated that he has owned the property since 1989 and added that he cannot control the amount of noise from customers once they leave his establishment.

Alderman Lombardo indicated that the Staff's solution seems to be the best as fences, shrubbery, etc. will be in place to act as a buffer between the said property and the adjoining properties. After further discussion the Committee agreed that the visual barrier between the said property and the surrounding property should be at least 2.0 metres in height and the Committee agreed to amend the Staff recommendation to include the height restriction.

The Committee approved the following as amended:

(A) That approval be given to Official Plan Amendment No.103 for the establishment of a Special Policy Area, to permit the parking use within the "Residential" designation, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That approval be given to Zoning Application 89-113, 546544 Ontario Inc. (Juraj Sulug - President and Secretary Treasurer), owner, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District for Block "1", from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for Block "2", and from "C" (Urban Protected Residential, etc.) District, modified, to "G-3" (Public Parking Lots) District for Block "3", to allow the use of the subject lands for parking purposes, in conjunction with an adjacent existing commercial use at 921 Queenston Road, for property located on the south side of Strawberry Drive, east of Lake Avenue North, (rear of 921 Queenston Road East), shown as Blocks "1", "2" and "3" on the attached map marked as Appendix "F", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District;

(c) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District modified, to "G-3" (Public Parking Lots) District;

(d) That the "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-Law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variances as special requirements:

(i) That notwithstanding Section 13C, only a parking lot used in conjunction with the commercial use located on adjoining lands at 921 Queenston Road in the City of Stoney Creek shall be permitted;

(ii) That a visual barrier not less than 2.0 m in height, excluding vehicular access, shall be provided and maintained along the northerly, westerly and easterly property lines;

(iii) That a planting strip of not less than 1.5 m in wi excluding vehicular access, shall be provided maintained along the northerly and westerly prop lines;

(iv) That a planting strip of not less than 3.0 m in wi shall be provided and maintained along the east property line;

(v) That no vehicular access to or egress from Strawb Drive shall be permitted.

(e) That the amending By-law be added to Section 19B of Zon By-law No. 6593 as Schedule S-1245, and that the subject la on Zoning District Map E-125 be notated S-1245;

(f) That the City Solicitor be directed to prepare a By-law amend Zoning By-law No. 6593 and Zoning District Map E- for presentation to City Council; and,

(g) That the proposed change in zoning will be in conformity v the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.103 by the Regio Hamilton-Wentworth.

(C) That the amending By-law not be forwarded for passage by Council until such time as the applicant applies for and receives Plan approval, including the payment of all outstanding servicing c to the City and Region adjacent to the 0.3 m reserve on Strawb Drive.

11:00 O'CLOCK A.M.

14. **Zoning Application 91-08, 668550 Ontario Inc. (A. Tuite and L. Centurami), own for an amendment to the Official Plan and a change in zoning from "AA" to "(modified for property at 75 Rymal Road East; Ryckmans Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 9, from Commissioner of Planning and Development, respecting the above-noted matte

Mr. Paul Mallard, Planning Department, made a presentation with respect to Zoning Application and informed Committee members that 69 notices were mai of which 5 were received in favour; and 3 in opposition.

The agent for the applicant appeared before the Committee and stated that it the original intent of the owner, before purchasing the property, that they would this for Commercial use. The agent also indicated that the owners have no inten of development adjoining properties.

Alderman Merling expressed his concern with respect to the present traffic situa on Rymal Road and supported the denial of this Zoning Application.

Mayor Morrow indicated that the Planning Department should recognize this a entrance to the City and that the building of the East-West Freeway would res some of the traffic problems in that area.

After considerable discussion, the Committee approved the Staff recommendation as follows:

That amended Zoning Application 91-08, 668550 Ontario Limited (A. Tuite and L. Centurami), owners, requesting an amendment to the Official Plan to redesignate the lands from "Residential" to "Commercial", and to rezone the lands from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, modified to permit the development of the subject lands for a 40 seat, fast food restaurant with a drive through facility, for property located at 75 Rymal Road East, as shown on the attached map marked as Appendix "G", be denied for the following reasons:

(a) It represents an undesirable extension of a 'highway commercial' use into an area designated and used for single-family residential uses;

(b) There is an adequate supply of commercially zoned and designated land to accommodate the proposed use in the area of Upper James Street and Rymal Road;

(c) It does not comply with the intent of the approved Ryckman's Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use;

(d) The requested "G-3" (Public Parking Lots) District modified zoning is inappropriate for the proposed development, in that the only building permitted is one used for the shelter of attendants. In this regard, the proposed amendment to the "G-3" District to permit a 'fast food' restaurant on the site has the same effect as rezoning the lands to a commercial district such as the "HH" (Restricted Community Shopping and Commercial, etc.) District. Furthermore, the "G-3" District modified is a misnomer, in that the lands will not be developed for a 'parking lot';

(e) In 1990, the applicant was granted an extension of the commercial zoning for the lands to the west to 'square off' the site to allow for commercial development. At that time, the applicant amended the Zoning Application to delete the subject lands for commercial development; and,

(f) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and alter the character of the area.

15. **Zoning Application 91-37, D. J. Armstrong, owner, for a further modification to the "HH" District regulations for land at the south west corner of Upper Sherman Avenue and Limeridge Road East; Thorner Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 9, from the Commissioner of Planning and Development, respecting the above-noted matter.

Mr. Ed Fothergill, agent for the applicant, and Mr. David Armstrong, owner, appeared before the Committee, requesting that the Committee approve the Zoning Application.

Mr. Paul Mallard, Planning Department, presented a brief history of the Zoni Application and the property in question; and informed Committee members that t applicant has applied to add a Gas Bar to the list of permitted Commercial uses a to delete a number of Commercial uses from the existing Zoning By-law.

Alderman Merling informed Committee members that City Council in 1988 appro the use of a Gas Bar at this site, and therefore the Committee should approve t Zoning Application.

After much discussion, the Committee did not approve Staff's recommendation deny this Zoning Application, however, the Committee approved the following:

That approval be given to Zoning Application 91-37, David John Armstro owner, requesting a further modification to the "HH" (Restricted Commun Shopping and Commercial) District regulations, to permit a gas bar, vari store, bank, professional offices (excluding medical), dry cleaner outlet, vid store and drug store, for lands at the south-west corner of Upper Sherm Avenue and Limeridge Road East, as shown on the attached map marked Appendix "H", on the following basis:

(a) That By-law No. 88-205 and By-law No. 90-273 be repealed in th entirety.

(b) That the subject lands be rezoned from "AA" (Agricultural) District "HH"" (Restricted Community and Commercial) District;

(c) That the "HH" (Restricted Community Shopping and Commercial, e District regulations, as contained in Section 14A of Zoning By-law N 6593, applicable to the subject lands, be modified to include following variances as special requirements:

(i) That notwithstanding Section 14A(1), only the follow commercial uses shall be permitted:

(1.) a bank;
(2.) professional offices (excluding medical);
(3.) a dry cleaner outlet;
(4.) a video store;
(5.) a drug store;
(6.) a variety store; and,
(7.) a gas bar.

(ii) That a landscaped strip not less than 3.0 m in width an visual barrier not less than 1.2 m and not more than 2.0 m height shall be provided and maintained along the ent westerly and southerly lot lines.

(d) That the amending By-law be added to Section 19B of Zoning By-l No. 6593 as Schedule S-1246, and that the subject lands on Zon District Maps E-27A and E-27B be notated S-1246;

(e) That the City Solicitor be directed to prepare a By-law to am Zoning By-law No. 6593 and Zoning District Maps E-27A and E-2 for presentation to City Council;

(f) That the proposed change in zoning is in conformity with the Offi Plan for the Hamilton Planning Area.

16. **Zoning Application 90-67, Presbyterian Residences (Hamilton) Inc., prospective owner, lands located on the west side of Rice Avenue, south of Chedmac Drive; Mountview Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 12, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. Paul Mallard, Planning Department, informed the Committee that the applicant has requested that the condition of Site Plan Approval be waived and that the Zoning By-law be passed by City Council.

Mr. Fothergill, representing the applicant, appeared before the Committee and stated that the applicant is willing to go through the Site Plan process but wants the Zoning By-law in place first. Mr. Fothergill added that the architect is working on the plans presently and hopes that construction can start early next year.

After much discussion, the Committee approved the following:

That Section 14 of the Twenty-First Report for 1990 of the Planning and Development Committee, respecting Zoning Application 90-67, be amended to remove the condition which required the by-law to be held in abeyance until approval of a site plan, for lands located on the west side of Rice Avenue, south of Chedmac Drive, as shown on the attached map marked as Appendix "I", on the following basis:

(a) That Section 14(b)(ii)(1.)(b) be amended to permit a maximum of 41 townhouse dwelling units;

(b) That a new Section 14(b)(ii)(1.)(d) be added as follows, and the subsequent Section be renumbered accordingly:

"That notwithstanding Section 2.(2)A.(xiiaa) of By-law No. 6593, one dwelling unit shall be permitted in the same building as the residential care facility."

(c) That Section 14(c) be deleted and the following substituted therefore:

"That the approval of a noise study shall be included as part of Site Plan approval."

17. **Site Plan Control Application DA-91-46 - McDonald's Restaurants of Canada Ltd., lessee of lands known as 524 Limeridge Road East.**

The Committee was in receipt of a report dated 1991 August 29, from the Commissioner of Planning and Development, with respect to the above-noted matter.

Mr. John Sakala, Planning Department, made a presentation with respect to the Site Plan Control Application, and informed Committee members that the request for a reduced setback for the McDonald's sign would infringe on the road allowance.

Ms. Nidae Abbas, representing McDonald's, appeared before the Committee and stated that McDonalds was not advised that the City amended the plans submitted to them to require a 3 metre setback from the road allowance.

After considerable discussion, the Committee approved the follow recommendation:

That Site Plan Control Application DA-91-46 by McDonald's Restaurants Canada Ltd., lessee, of lands known as 524 Limeridge Road East, to ame approved plans of Site Plan Control Application DA-90-26 to provid setback of 0.0 m instead of the required 3.0 m minimum from the fr property line for a pylon sign, be **denied** for the following reasons:

(a) The sign as constructed provides no setback from the widened r allowance limits and is currently encroaching upon the widened r allowance limits of Limeridge Road East;

(b) The existing sign contravenes By-law 81-160, subsection 8, "Signs o Sidewalks & Highways"; and,

(c) Approval of the existing setback would set an undesirable preced for future applications requesting relief from the by-law requireme after the full erection of pylon signs.

18. **Site Plan Control Application DA-91-52 - Oshawa Holdings Ltd., owner of la known as 590 Nash Road North.**

The Committee was in receipt of a report dated 1991 September 11, from Commissioner of Planning and Development, with respect to the above-noted mat

The Committee approved the following recommendation:

(a) That approval be given to Site Plan Control Application DA-91-5 Oshawa Holdings Ltd., owner, of lands known as 590 Nash Road N for an addition to the commercial cold storage facility subject to following:

(i) Modification to the plan in relation to notes, and dimension marked in red on the plan; and,

(b) That the following resolution be forwarded to City Council:

That approval be given to register plans of Site Plan Con Application DA-91-52 by Oshawa Holdings Ltd., owners of Nash Road North, to amend the plans of Site Plan Con Application DA-87-86, registered on title on 1988 July 20 Instrument No. 466524CD.

6. **161 Delaware Avenue** (con't.)

The Committee had previously tabled this item until Alderman Drury was pre to discuss his concerns with respect to the enforcement of the Zoning By-law.

Alderman Drury questioned Staff on their success in enforcing the By-law and Brian Allick, Building Department, replied that presently the City has a 90% suc rate in prosecuting building matters. Mr. Allick added and a 72% and 67% suc rates are obtained with respect to Zoning matters and maintenance land mat respectively.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN FRED LOMBARDO
PLANNING AND DEVELOPMENT COMMITTEE

C. J. Coutts
Secretary
1991 September 18

B

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 24

REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
258 BEACH BOULEVARD

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **258 Beach Boulevard.**

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "G" (Neighbourhood Shopping Centres etc.)

PRESENT USE: Single Family Dwelling (vacant) and Commercial Store (vacant)

PROPOSED USE: Beach Strip Acquisition Programme

BRIEF DESCRIPTION: 2½ storey wood frame insul brick building
No access to interior. The roofing and the exterior insul brick cladding is in a deteriorated condition. Several windows are broken and not boarded up. Overall building is in a poor condition and would require a fair amount of work to bring up to standards. It is the intention of the Hamilton Region Conservation Authority to demolish the existing building as the land is required for the Beach Strip Acquisition Programme.

The owner of the property as per the demolition permit application is:

Hamilton Region Conservation Authority
P.O. Box 7099
838 Mineral Springs Road
Ancaster, Ontario L9G 3L3
Attention: Mr. B.W. Vanderburg

c.c. 91.2.4.2.1.A

CITY OF HAMILTON

— RECOMMENDATION —

C

DATE: 1991 September 24

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Expropriation by City of Hamilton**
9 Gerrard Street - 573667 Ontario Ltd.

RECOMMENDATION:

a) That an Agreement by Owner to Accept Compensation for the property of 573667 Ontario Ltd. (Norman Ferguson, President), executed on August 19, 1991 and scheduled for closing on or before November 15, 1991 be accepted and completed. The subject property being Municipal Number 9 Gerrard Street, having a total frontage along the northern limit of Gerrard Street 5.29 metres (19 feet) more or less, shown as Part 1 on Expropriation Plan No. 79838, together with all structures erected thereon. The total compensation of $41,900.66 along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structure at 9 Gerrard Street take place upon closing.

b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

The subject property is located within the Alpha West Residential Enclave. The expropriation and acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north/east part of the City.

On June 27, 1989, City Council authorized the City's application for approval to expropriate the remaining properties in the Alpha West Enclave. Pursuant to this, the expropriation of the property at 9 Gerrard Street was registered on title April 9, 1991 as Instrument No. 79838.

Attach.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Ms. L. Lawrence
Mr. E. C. Matthews, Treasurer
Ms. L. MacNeil, Property Clerk, Surveys
Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
Mr. L. King, Building Commissioner

(4505)


K
STREET
EAST
Subject Property
K
DICKSON
GERRARD ST
BRANT ST
NORTH
AVENUE
SHERMAN
BIRCH AVE
BIGGAR
K
NATIONAL
RAILWAY

CITY OF HAMILTON

— RECOMMENDATION —

D

DATE: 1991 September 23

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SEP 23 1991

SUBJECT: Release of Building Covenants
Basil Alfred Williams and Edward Charles Cummings
Part of Block 17 and Part of Lot 10, 62M-352
1060 Rymal Road East, Hamilton
Restrictive Covenants Registered as
Instrument No. 207071 L.T.
as Referred to in Transfer/Deed
Instrument No. 207070 L.T.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 1060 Rymal Road East, Hamilton from the restrictive covenants to the City as contained in Instrument Number 207070 L.T. and 207071 L.T. registered on August 13, 1987, subject to the landscaping requirement of the site plan agreement between the owner and the municipality being satisfied prior to the release of said covenants.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 24 of the 7th Report of the Planning and Development Committee, City Council on April 14, 1987 approved the sale of Part of Block 17 and Part of Lot 10, 62M-352 to Basil Alfred Williams and Edward Charles Cummings.

This transaction was completed on March 10, 1987 and the proposed building has been completed. However, there is still some minor items to be completed in the landscape program for the site.

This department supports the request of the owner that the City of Hamilton release the restrictive covenants contained in Instrument Numbers 207070 L.T. and 207071 L.T. in order to clear the title, subject to the landscaping requirement of the site plan agreement between the owner and the municipality being satisfied prior to the release of said covenants.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Ms. Lian Lawrence

(2738 - 100.68.11 + 100.68.13)

E

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 September 24 SEP 25 1991
(R.P.L.C. 58)

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

By-law to remove part-lot control from Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78 - 138 inclusive of Registered Plan 62M-639.

RECOMMENDATION:

1. That the City Solicitor be directed to prepare a by-law to repeal By-laws 90-90 and 90-287 for presentation to City Council.

2. That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78 - 138 inclusive of Registered Plan 62M-639, for presentation to City Council.

   That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth.

3. That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78 -138 inclusive of Registered Plan 62M-639.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Lillian Heights Development Inc., Hamilton, Ontario.

Agent:

Agro, Zaffiro, Parente, Orzel & Baker, Hamilton, Ontario

Surveyor:

A.J. Clarke and Associates Ltd., Hamilton, Ontario.

Location:

The lands are located south of Rymal Road East and east of Upper Gage Avenue in the Broughton East Neighbourhood, City of Hamilton. The lands are part of Lillian Heights, Registered Plan M-639.

History

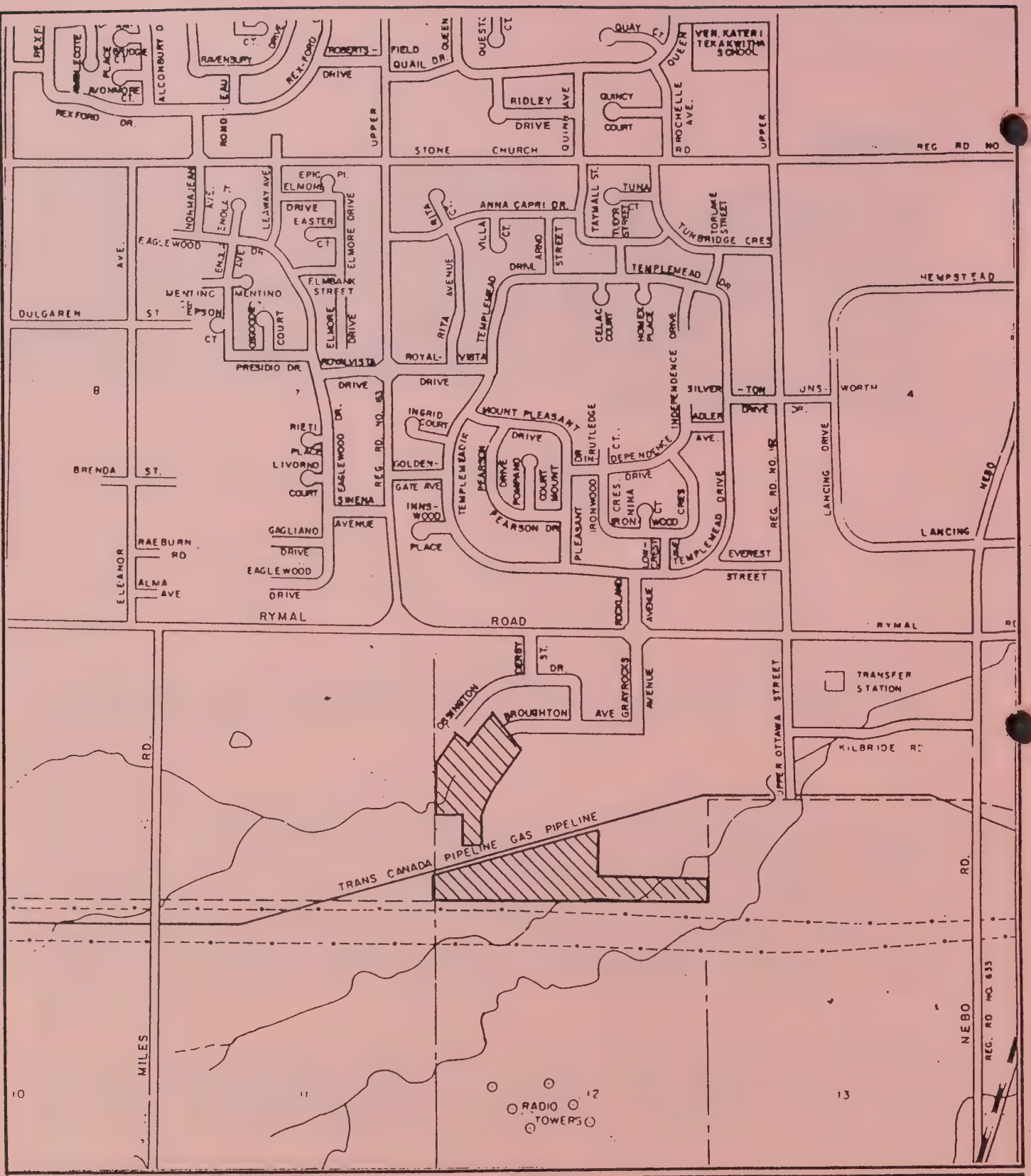
On January 5, 1990, the applicant applied to the City to establish a by-law to remove part-lot control as permitted under Section 49 under the Planning Act. The purpose of removing part-lot control was to establish maintenance easements for the small lot sizes within this plan of subdivision. In this proposal, 106 easements were to be created. (The maintenance easements establish a right for abutting property owners to maintain their properties where there are no side yards. The easements are created and registered on title at the time lands are transferred to new owners). The by-law, 90-90, was approved and subsequently registered on April 19, 1990.

By-law 90-90 carried with it a time restriction of 6 months within which all the land transfers concerning the lots in question where to have taken place. When the applicant found this to be impossible, he applied to have the by-law extended for a period of one year. Council granted the extension by By-law 90-287, establishing a new expiry date of October 30, 1991.

The applicant has now returned with a request to extend the removal of part-lot control on this subdivision for another year, stating poor market conditions as the reason for not completing the transactions earlier. A total of 78 units have yet to be transferred.

Comments

Creating easements by removing part-lot control is one of two ways of doing this; the other way is through Land Severance. The part-lot control method, as is being requested here, is the more practical of the two under the given circumstances, ie. a large number of lots affected within a plan of subdivision. However, the process of "temporarily" removing control has created an administrative burden on the applicant and staff of repeating the process each time the part-lot by-law expires before all transactions are completed. For this reason, if Council grants a further extension, the by-law so stating this should not contain an expiry date. The by-law could then be repealed upon notification from the applicant once all transactions have been completed.



Location Plan For

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

R. P. L. C. NO. 58

North	Scale	Reference File No.
	N. T. S.	R. P. L. C. NO. 58
	Date JAN. 11, 1990	Drawing No.

M 39

25T-79018

PLAN 62M-639

PLAN OF:
Lillian Heights
phase two

BEING A SUBDIVISION OF
PART OF LOT 12 - CONCESSION 1 - GEOGRAPHIC TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:1000

A.J. Clarke O.L.S. 1989

BLOCK 41

Lillian Heights-phase one plan 62M-614

BLOCK 40

DERBY STREET

GRAYROCKS AVENUE

BLOCK 42

OSSINGTON DRIVE

BLOCK 39

BL.37

BL.38

BROUGHTON AVENUE

OSSINGTON DRIVE

BROUGHTON AVENUE

ASHRIDGE PLACE

LOT 12 - CONCESSION ONE

GEOGRAPHIC TOWNSHIP OF GLANFORD

CADHAM BOULEVARD

BLOCK 141

BLOCK 142

BLOCK 143

BLOCK 144

BLOCK 145

CHARNWOOD COURT

HARTLEIGH COURT

BEAVERBROOK AVENUE

BLOCK 146

A J Clarke and Associates Ltd

PLAN 62R-10814

RECEIVED AND DEPOSITED
DATE 1989 12 20
M. Vanstone
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (N° 62)

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
DATE DECEMBER 14, 1989
Geo. Vincent
GEORGE VINCENT

PARTS 1 TO 106 INCLUSIVE - PART OF PARCEL PLAN-1, SECTION 62M-639 SUBJECT TO EASEMENT AS SET OUT IN INST. N° 347 GLANFORD AND AS SHOWN ON INSTRUMENT N° 61890 W.L.

COMPILED PLAN
SHOWING
PART OF LOTS 2 TO 16, 18 TO 24, 27 TO 30, 53 TO 67, 69, 70, 71, 73, 74, 75, 76, 79 TO 85, 87 TO 97, 99 TO 112, 114 TO 138 (ALL INCLUSIVE) AND PART OF BLOCK 140.
ACCORDING TO
LILLIAN HEIGHTS - PHASE 2 - REGISTERED PLAN 62M-639
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1" = 100'
A.J. CLARKE O.L.S. - 1989

N

PLAN 62M-614

BROUGHTON AVENUE
ESTABLISHED BY PLAN 62M-614

OSSINGTON DRIVE

PLAN 62M-639

ASHRIDGE PLACE

BROUGHTON AVENUE

CADHAM BOULEVARD

LOT 12
CONCESSION ONE
GEOGRAPHIC TOWNSHIP OF GLANFORD

LOT 11 - CONCESSION ONE

BLOCK 141
BLOCK 142
BLOCK 143
BLOCK 144
BLOCK 145

CHARNWOOD COURT
HARTLEIGH COURT

BEAVERBROOK AVENUE
ESTABLISHED BY PLAN 62M-639

MUNICIPAL BOUNDARY BETWEEN CITY OF HAMILTON AND TOWNSHIP OF GLANFORD

SCHEDULE					
PART	LOT	PART	LOT	PART	LOT
1	2	36	61	71	101
2	3	37	62	72	102
3	4	38	63	73	104
4	5	39	64	74	105
5	6 & PART 140	40	65	75	106
6	6	41	66	76	107
7	7	42	67	77	108
8	8	43	68	78	109
9	9	44	70	79	110
10	10	45	71	80	111
11	11	46	73	81	113
12	12	47	74	82	114
13	13	48	75	83	115
14	14	49	76	84	116
15	15	50	77	85	117
16	16	51	80	86	118
17	17	52	81	87	119
18	18	53	82	88	120
19	19	54	83	89	121
20	21	55	84	90	122
21	22	56	85	91	123
22	23	57	87	92	124
23	24	58	88	93	125
24	27	59	89	94	126
25	28	60	90	95	127
26	29	61	91	96	128
27	30	62	92	97	129
28	53	63	93	98	130
29	54	64	94	99	131
30	55	65	95	100	132
31	56	66	96	101	133
32	57	67	97	102	134
33	58	68	98	103	135
34	59	69	99	104	136
35	60	70	100	105	137
				106	138

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM PLAN 62M-639

DECEMBER 14, 1989 — A.J. CLARKE — O.L.S.

NOTE

1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF LOTS AND BLOCKS SHOWN IN SCHEDULE
2. ALL PARTS HAVE A PERPENDICULAR WIDTH OF 1.2 METRES
3. REAR LIMITS OF ALL PARTS ARE PERPENDICULAR TO ADJACENT LOT LINE
4. WIDTHS OF PARTS ARE NOT DRAWN TO SCALE

CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

A.J. CLARKE AND ASSOCIATES LTD.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4

Urban Municipal
Librarian

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

71 MAIN STREET WEST
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

1991 October 17

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1991 OCTOBER 23
9:30 O'CLOCK A.M.
ROOM 233, CITY HALL

URBAN MUNI
GOVERNMENT DOCUMENTS

Charlene J. Coutts, Secretary
Planning and Development Committee

AGENDA

1. Consent Agenda.

DELEGATIONS

2. Jamesville Business Improvement Area - Results of Vote.

3. C.P. Rail - former T.H. & B. Roundhouse (Representative of C.P. Rail).

BUILDING COMMISSIONER

4. Eligibility Amendment - Ontario Home Renewal Programme.

DIRECTOR OF PROPERTY

5. Zoning By-law No. 91-144 - Former Inverness School Site, 402 Upper Wentworth Street.

COMMISSIONER OF PLANNING AND DEVELOPMENT

6. Site Plan Control Application DA 91-40 to amend DA 88-136, property located at 18 Main Street East.

DIRECTOR OF PUBLIC WORKS

7. Commercial Improvement Programme - Funding of Studies.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

8. City Initiative 91-F, for a change in zoning from "RT-10" District to "DE" District modified for property at 1100 Limeridge Road East; Trenholme Neighbourhood.

9. Zoning Application 91-41, Tyka Investments Limited, owner, for a change in zoning from "AA" District to "C" District and "RT-30" District for property at 1158 Upper Wentworth Street; Crerar Neighbourhood.

10. Zoning Application 91-43, Hamcon Co-operative Housing Services, prospective owner, for a change in zoning from "H" District to "E" District modified for property at 145 MacNab Street North; Central Neighbourhood.

    (a) Submission - Ms. Rose Seminara, 48 Mulberry Street, Hamilton.

10:45 O'CLOCK A.M.

11. Zoning Application 91-48, Rymal Gardens Inc., owner, for a change in zoning from "RT-10" District to "RT-20" District for lands located on the east side of the proposed extension of Upper Wentworth Street in the area south of Rymal Road East; Chappel East Neighbourhood.

12. Zoning Application 91-35, R. Kozell, owner, for a modification to the established "D" District regulations for property at 77 Graham Street North; Crown Point East Neighbourhood.

    (a) Submission - Mr. and Mrs. R. Cane, 79 Graham Avenue North, Hamilton.

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

ITEM	ORIGINAL DATE	ACTION	STATUS
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Enclaves Acquisition Review	1990 Dec. 5	Planning	Study Underway
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
P6-8-3-Lapp Property Beddoe Drive and Studholme Road	1990 Dec. 5	Committee	Modified Neighbourhood Plan Review underway
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed

ITEM	ORIGINAL DATE	ACTION	STATUS
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohuawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
Public Meeting - Carter Square, Neighbourhood Plan Amendment	1991 July 24	Planning	Report Pending

October 23, 1991

1

PLANNING AND DEVELOPMENT COMMITTEE MEETING

WEDNESDAY, 1991 OCTOBER 23

CONSENT AGENDA

ADOPTION OF MINUTES

A. Minutes of the Planning and Development Committee for its meeting held 1991 October 2.

URBAN MUNI...

BUILDING COMMISSIONER

B. Demolition Permit Application - 7 Emerald Street South.

GOVERNMENT DOCUMENTS

C. Commercial Facade Loan Programme - 1008, 1010 King Street West and 5, 7, 9, 11 Marion Avenue, Hamilton.

D. City of Hamilton Heritage Programme - 64 Forest Avenue, Hamilton.

E. City of Hamilton Heritage Programme - 98 James Street South, Hamilton.

COMMISSIONER OF TRANSPORTATION/ENVIRONMENTAL SERVICES

F. Harbottle Estates - Phase 1, Hamilton - Cash Payment in Lieu of 5% Parkland Dedication.

G. Eastgate Heights Extension, Hamilton - Cash Payment in Lieu of 5% Parkland Dedication.

DIRECTOR OF PROPERTY

H. Settlement of Expropriation by City of Hamilton - 402 Birch Avenue - Joseph Sprackman & Associates Inc. (Alpha West Residential Enclave).

I. Release of Construction Covenants - Adanac Ornamental Iron Works Limited (Eugene Charko and Louis Jackle) - 1224 Stone Church Road East, Hamilton - Covenants as set out in Instrument Number 292187 A.B.

J. Release of Construction Covenants - 658414 Ontario Inc. (Luciano Di Diodato) - Parts 1 and 2, Plan 62R-6941, 766 Burlington Street East, Hamilton - Covenants as set out in Instrument Number 379993 C.D.

COMMISSIONER OF PLANNING AND DEVELOPMENT

K. By-law No. 91-128 - Revised Schedule "A".

L. Draft Plan of Condominium, Southern Gardens Terrace.

A

Wednesday, 1991 October 2
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairperson
Alderman D. Drury, Vice Chairperson
Mayor R. Morrow
Alderman V. Formosi
Alderman W. McCulloch
Alderman H. Merling
Alderman D. Ross
Alderman M. Kiss
Alderman D. Wilson

Also present: Lou Sage, Chief Administrative Officer
Alex Georgieff, Director of Local Planning
Paul Mallard, Planning Department
Peter Lampman, Building Department
Brian Allick, Building Department
Konrad Brenner, Regional Engineering Department
Art Zuidema, Law Department
Dave Powers, Law Department
Rolland Karl, Traffic Department
Mike Watson, Property Department
Charlene Coutts, Secretary

CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1991 September 18 and these minutes were adopted as circulated.

BUILDING COMMISSIONER

B. Demolition Permit Application - 258 Beach Boulevard.

The Committee was in receipt of a report dated 1991 September 24, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 258 Beach Boulevard.

DIRECTOR OF PROPERTY

C. Expropriation by City of Hamilton - 9 Gerrard Street - 573667 Ontario Ltd. (Residential Enclave Clearance Program) - Agreement by Owner to Accept Compensation.

The Committee was in receipt of a report dated 1991 September 24, from the Director of Property, respecting the above-noted matter.

The Committee approved the following recommendation:

(a) That an Agreement by Owner to Accept Compensation for the property of 573667 Ontario Ltd. (Norman Ferguson, President), executed on 1991 August 19, and scheduled for closing on or before 1991 November 15, be accepted and completed. The subject property being Municipal Number 9 Gerrard Street, having a total frontage along the northern limit of Gerrard Street of 5.29 metres (19 feet) more or less, shown as Part 1 on Expropriation Plan No. 79838, together with all structures erected thereon. That the total compensation of $41,900.66 along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structure at 9 Gerrard Street take place upon closing.

(b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

D. **Release of Building Covenants - Basil Alfred Williams and Edward Charles Cummings, Part of Block 17 and Part of Lot 10, Plan 62M-352, 1060 Rymal Road East.**

The Committee was in receipt of a report dated 1991 September 23, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 1060 Rymal Road East, Hamilton from the restrictive covenants to the City as contained in Instrument Number 207070 L.T. and 207071 L.T. registered on 1987 August 13, subject to the landscaping requirement of the site plan agreement between the owner and the municipality being satisfied prior to the release of said covenants.

COMMISSIONER OF PLANNING AND DEVELOPMENT

E. **By-law to remove Part-Lot Control from Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78-138 inclusive of Registered Plan 62M-639.**

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter. The Committee approved the following recommendation:

(a) That the City Solicitor be directed to prepare a by-law to repeal By-laws 90-90 and 90-287 for presentation to City Council.

(b) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78 - 138 inclusive of Registered Plan 62M-639, for presentation to City Council.

(c) That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth.

(d) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots, 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78-138 inclusive of Registered Plan 62M-639.

BUILDING COMMISSIONER

F. City of Hamilton Heritage Programme - 141 St. Clair Avenue.

The Committee was in receipt of an added report dated 1991 October 1, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

> That a Designated Property Grant in the amount of one thousand, one hundred and sixty-five dollars ($1,165.) be provided to Mrs. M. Gowling, 141 St. Clair Avenue, Hamilton.

REGULAR AGENDA

DELEGATION

2. Request for Amendment to By-law 88-9, re: Roof Leaders Requiring Direct Connection to Storm Sewers.

The Committee was in receipt of a letter dated 1991 September 18, from Chris Gatt, Trevor P. Garwood-Jones Architects Inc., requesting that By-law 88-9, be amended to permit the use of splash pads under all downspouts to handle roof water.

Fred Vermeulen, Trevor P. Garwood-Jones Architects Inc.; Ralph Brook, Victoria Park Community Homes; Kenneth Young, Young Engineering; and Chris Gatt, Trevor P. Garwood-Jones Architects Inc. appeared before the Committee with respect to this matter.

Fred Vermeulen informed the Committee that a lot of bedrock has been found on this site and would cost the developer an additional $40,000. to meet the By-law requirements. Mr. Vermeulen argued that splash pads instead of direct connection to storm sewers would serve the same purpose.

Kenneth Young informed the Committee that the site is self-drained and that the existing grading allows for the water to be directed to the storm sewers.

After considerable discussion, the Committee recommended the following:

> That the request of Trevor P. Garwood-Jones Architects Inc. to amend By-law No. 88-9, respecting roof leaders to permit the use of splash pads under downspouts to handle roof water be denied.

REFERRAL FROM CITY COUNCIL

3. Former T.H. & B. Roundhouse.

The Committee was in receipt of a letter dated 1991 September 9, from C. P. Rail, respecting the former T.H. & B. Roundhouse which City Council at its meeting held 1991 September 24, referred to the Planning and Development Committee.

Dave Powers, Law Department, informed the Committee that C.P. Rail is asking the City to assume liability for this property. Mr. Powers indicated that the City Insurance does not cover property that the City does not own or lease.

Alderman Dave Wilson stated that all efforts should be taken to save this building and informed Committee members that he is meeting with the Ontario Worker's Arts and Heritage Centre Board of Management on 1991 October 9, to discuss this matter and asked that the Committee table this matter pending the outcome of this meeting.

After considerable discussion, the Committee approved the following recommendation:

That the letter dated 1991 September 9, from C.P. Rail respecting the former T.H. & B. Roundhouse, **be tabled** until the next meeting.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. Application for Demolition of 74 Charlton Avenue East.

The Committee was in receipt of a report dated 1991 September 25, from the Local Architectural Conservation Advisory Committee, respecting the above-noted matter.

The Committee was advised that the City cannot issue a demolition permit for this property until such time as a development permit is issued by the Niagara Escarpment Commission.

After much discussion, the Committee approved the following recommendation:

(a) That a letter be sent to the Niagara Escarpment Commission advising them that an application for a demolition permit for the property at 74 Charlton Avenue East has been received; and,

(b) That the owner of 74 Charlton Avenue East be advised that the City cannot issue a demolition permit until the Niagara Escarpment Commission issues a development permit for this property.

5. ALDERMANIC REFERRAL

Contractual Matter **(Private and Confidential)**

The Committee then adjourned to meet **In Camera** with respect to the above-noted matter.

The Committee then reconvened in open session and approved the following:

That the information as presented be received and that no action be taken with respect to this matter.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

6. Zoning Application 91-36, S. T. Young, owner, for a modification to the "DE-3" District regulations for property at 234 MacNab Street South; Durand Neighbourhood.

The Committee was in receipt of a report dated 1991 September 25, from the Commissioner of Planning and Development with respect to the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed Committee members that of the 727 notices circularized; 29 were received in favour; and 31 were received in opposition.

Keith Young, owner, 234 MacNab Street South, appeared before the Committee and advised that he has been operating this boarding house since 1973 and that the boarding house itself has been in existence for the past 40 years. Mr. Young also informed the Committee that he has been advised by the Traffic Department that no additional traffic and parking problems have been created as a result of the existence of this boarding house.

The Committee was also informed that Mr. and Mrs. Young, owners, live on site and have complete control over the rooming house.

Helene Fallon, 265 MacNab Street South, representing the Durand Neighbourhood Association, appeared before the Committee to express the opposition of the Association with respect to this Zoning Application. Helene Fallon indicated that increasing the status of a lodging house from 6 people to 9 people will increase the parking problems that currently exist in the Durand area. Mrs. Fallon presented a written submission opposing the application to the Secretary.

Barry Batsner, 234 MacNab Street South, appeared before the Committee to support the Zoning Application. Mr. Batsner, who resides at this rooming house, informed Committee members that the owners are responsive to the needs of the tenants and are constantly maintaining and improving the property.

James Cane, 234 MacNab Street South, also a tenant at the rooming house, appeared before the Committee and reiterated the fact that this rooming house has been in operation for the past 40 years.

Kenneth Moore, 38 Charlton Avenue West, President of the Charlton Towers Apartment (Hamilton) Limited, appeared before the Committee and expressed concerns that the rooming house tenants and their visitors are using the apartment's parking lot.

Ruth McCraig, 49 Robinson Street, appeared before the Committee in support of the Zoning Application. The Committee was also in receipt of a submission that was presented by Mrs. McCraig on 1991 September 11.

The Committee was also in receipt of a submission from Mr. and Mrs. John Collins, 261 MacNab Street South, opposing the Zoning Application on the basis of existing parking problems in the area.

Alderman McCulloch informed the Committee that he has recently visited the site and was impressed with the condition of the building and stated that the additional 3 lodgers would not created any addition parking problems.

After much discussion, the Committee did not support staff's recommendation to deny this Zoning Application, however, the Committee approved the following:

> That approval be given to Zoning Application 91-36, Shirley T. Young, owner, requesting a modification to the established "DE-3" (Multiple Dwellings) District regulations, to permit a two-family dwelling and a lodging house for 9 lodgers with two kitchens, for property located at 234 MacNab Street South, as shown on the map attached to the report and marked as Appendix "A", on the following basis:
>
> (a) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
>
> (i) That notwithstanding Section 10C of Zoning By-law No. 6593, a two-family dwelling and a lodging house for a maximum of nine lodgers with two kitchens, shall be permitted only within the existing building;
>
> (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1248, and that the subject lands on Zoning District Maps W-5 and W-6 be notated S-1248;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-5 and W-6 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

7. <u>Zoning Application 91-42, H. A. Hader, owner, for a modification to the "C" District regulations for property at 161 Delaware Avenue; St. Clair Neighbourhood.</u>

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of submissions in opposition to the Zoning Application from Charles Forsyth, 175 Delaware Avenue, and Albert Alexanian, 230 King Street East.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed the Committee members that 228 notices were circularized of which 5 were received in favour and 36 received in opposition.

Harry Hader, owner, 161 Delaware Avenue, appeared before the Committee and asked the Committee to support this Zoning Application given that a number of multiple dwellings exist in the area.

David Beland, 182 St. Clair Boulevard, Chairman of the Neighbourhood Committee and Citizens-for-Citizens, appeared before the Committee and presented a submission to the Secretary in opposition to the proposed Zoning change as this area is zoned for single family homes or converted 2 family dwellings only.

Gayle Ozolins, 156 Holton Avenue South, also appeared before the Committee and submitted a petition signed by 38 home owners on St. Clair Boulevard, to the Secretary, opposing the Zoning Application. Mrs. Ozolins stated that no legal four-plexes are in the area, however, there are some legal non-conforming tri-plexes.

Brenda Ostolana, 166 Delaware Avenue, appeared before the Committee in opposition of the Zoning Application, given the parking problems that would result if the application was approved.

Mr. Flaherty, 120 Delaware Avenue, also appeared before the Committee and expressed his opposition to the Zoning Application in an effort to preserve the existing neighbourhood.

Alderman Drury then addressed the Committee and stated that the owner has been contacted on a number of occasions and advised that a four-family dwelling is not permitted under the Zoning By-law.

After much discussion, the Committee approved the following recommendation:

> That Zoning Application 91-42, Henry A. Hader, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established four-family dwelling, on property located at 161 Delaware Avenue, as shown on the map attached to the report and marked as Appendix "A", be denied for the following reasons:

(a) It is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;

(b) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area;

(c) Approval of this application would be contrary to the intent of By-law 76-229 (St. Clair Neighbourhood Rezonings) which downzoned this area from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District, in effect, eliminating the potential for townhouses and permitting conversions to two-family dwellings only;

(d) It is contrary to recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings.

8. **Zoning Application 91-44, C. M. Healey, owner, for a modification to the "C" District regulations for property at 126 Lilacside Drive; Thorner Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of a written submission dated 1991 September 10, from Mr. and Mrs. Ray Hall, 114 Lilacside Drive, opposing the Zoning Application.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed Committee members that of the 100 notices mailed, 5 were received in favour and 7 were received in opposition.

Mr. Healey, owner, 126 Lilacside Drive, appeared before the Committee and asked the Committee to support the Zoning Application that would permit a Hairdressing Salon to operate between the hours of 10:00 o'clock a.m. and 4:00 o'clock p.m. in his home.

Cathy May, 127 Lilacside Drive, appeared before the Committee and submitted a letter to the Secretary in opposition to the Zoning Application. Mrs. May added that there is presently a Hairdresser in the neighbourhood, as well as a number of Malls, and has concerns with respect to the increased traffic caused by this business.

After some discussion, the Committee approved the following recommendation:

That approval be given to Zoning Application 91-44, Catherine Marie Healey (Healey Hair Design), lessee, requesting a modification to the "C" (Urban Protected Residential, etc.) District regulations, to permit a hairdresser as a home occupation use, for property located at 126 Lilacside Drive, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding paragraphs (f) and (h) of Section 2.(2) H.(iii), hairdressing shall be permitted as a home occupation on the following basis:

(1.) It is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

(2.) There shall not be more than one comb-out centre and one styling sink.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1249, and that the subject lands on Zoning District Map E-27 be notated S-1249;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;

(d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10:45 O'CLOCK A.M.

9. **Zoning Application 91-45, J. and M. Miklos, owners, for a change in zoning from "AA" to "C" for part of lands at 1062 and 1088 Upper Paradise Road; Falkirk West Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application and informed the Committee that 26 notices were mailed of which 4 were received in favour and -0- were received in opposition.

The Committee approved the following recommendation:

That approval be given to Zoning Application 91-45, James and Mary Miklos, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for 5 single-family dwellings, for properties located at 1062 and 1088 Upper Paradise Road, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10. **Zoning Application 91-46, C. Pies Inc., prospective owner, for a change in zoning from "C" to "HH" for property at 27 Rymal Road West; Kennedy East Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of submissions from Ken Rosart, Rosart Properties Inc., 226 South Service Road East, Oakville, and Nidae Abbas, Real Estate Representative for McDonald's Restaurants of Canada Limited, Toronto, in opposition to the proposed change to permit the development of the subject property.

After some discussion, the Committee approved the following recommendation:

That approval be given to Zoning Application 91-46, Christopher Pies Inc., prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a 2 storey retail office building and a one storey restaurant (Tim Hortons) to be developed in conjunction with the adjacent lands to the east, for the property located at 27 Rymal Road West, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1185a, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1185a;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

11. **Zoning Application 90-74, A. Biggs, owner, for a modification to the "D" District regulations for property at 49 Holly Avenue; McAnulty Neighbourhood.**

The Committee was in receipt of a report dated 1991 August 2, from the Commissioner of Planning and Development that was previously tabled at the last meeting of the Planning and Development Committee, respecting the above-noted matter.

Alderman Wilson informed the Committee that he recently met with the property owner and area residents with respect to the Zoning Application, and recommended that the Committee not support staff's recommendation to deny the Zoning Application, but requested that the application be approved.

After considerable discussion, the Committee approved the following recommendation:

That approval be given to Zoning Application 90-74, Antonette Biggs, owner, requesting a modification to the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a two family dwelling, on property located at 49 Holly Avenue, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 10 of Zoning By-law No. 6593, a two-family dwelling shall be permitted;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1250, and that the subject lands on Zoning District Map E-52 be notated S-1250;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-52 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN FRED LOMBARDO, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Charlene J. Coutts
Secretary
1991 October 2

CITY OF HAMILTON

B

- RECOMMENDATION -

DATE: 1991 October 15

REPORT TO: Miss Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
7 Emerald Street South - Tag Number 85123

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for **7 Emerald Street South.**

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "H" (Community Shopping and Commercial, etc.)

PRESENT USE: Two Family Dwelling

PROPOSED USE: Parking for Hamilton Automobile Club

BRIEF DESCRIPTION: 2-storey brick veneer dwelling in fair condition

It is the intention of the owner to demolish the existing two family dwelling to allow for additional parking for the Hamilton Automobile Club offices located at 393 Main Street East.

Lot Size: 26.75' x 135.00'

The owner of the property as per the demolition permit application is:

Hamilton Automobile Club
393 Main Street East
Hamilton, Ontario L8N 1J7

c.c. 91.2.4.2.1.A

FOR ACTION

C

REPORT TO: **Ms. C. Coutts, Secretary**
Planning & Development Committee

FROM: **Mr. L. King, P. Eng.**
Building Commissioner

DATE: **1991 October 15**
DEPT FILE: **FACADE #41**

SUBJECT: **Commercial Facade Loan Programme -**
1008, 1010 King Street West and
5, 7, 9, 11 Marion Avenue, Hamilton.

OCT 1 6 1991

RECOMMENDATION:

That a Commercial Facade Loan in the amount of thirty thousand dollars ($30,000.) be approved for Jacob Rozencweig, 1008, 1010 King Street West, 5, 7, 9, 11 Marion Avenue, Hamilton. The interest rate will be 4 3/4 percent, amortized over 10 years.

Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The owner of 1008, 1010 King Street West and 5, 7, 9, 11 Marion Avenue has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Westdale Village Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department therefore recommends the approval of a Commercial Facade Loan to Jacob Rozencweig, for improvements to 1008 & 1010 King Street West, and 5, 7, 9, & 11 Marion Avenue, in the amount of $30,000. The loan will be amortized over a 10 year period at 4 3/4 percent interest. The monthly payments will be $314.58 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

FOR ACTION

D

REPORT TO: Ms. C. Coutts, Secretary
Planning & Development Committee

FROM: Mr. L. King, P. Eng. ***DATE:*** 1991 October 15
Community Development Department ***DEPT FILE:*** HERITAGE 56

OCT 16 1991

SUBJECT: City of Hamilton Heritage Programme -
64 Forest Avenue, Hamilton.

RECOMMENDATION:

That a Designated Property Grant in the amount of Three thousand dollars ($3,000.) be provided to the Trustees of the Church of the Ascension, 64 Forest Avenue, Hamilton.

Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council. The owners of the designated property located at 64 Forest Avenue, have applied under the Programme for the repair of the two stone pinnacles.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Isbister & Co. Ltd.'s estimates.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of $3,000.00.

c.c. R. Camani, Treasury Department

FOR ACTION

E

REPORT TO: Ms. C. Coutts, Secretary
Planning & Development Committee

FROM: Mr. L. King, P. Eng. ***DATE:*** 1991 October 15
Community Development Department ***DEPT FILE:*** HERITAGE 66

SUBJECT: City of Hamilton Heritage Programme -
98 James Street South, Hamilton.

RECOMMENDATION:

That a Designated Property Grant in the amount of One thousand, five hundred and fifty dollars ($1,550.) be provided to the James Street Baptist Church, 98 James Street South, Hamilton.

Mr. L. King, Building Commissioner

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Building Department's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council. The owners of the designated property located at 98 James Street South, have applied under the Programme for the replacement of the copper eaves on the south side of the Church.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Riddell Sheet Metal and Roofing Limited's estimates.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of $1,550.00.

c.c. R. Camani, Treasury Department

F

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 15
S707-73 M.J. Inrig

REPORT TO: Miss Charlene Coutts, Acting Secretary
Planning and Development Committee

OCT 15 1991

FROM: L. D. Turvey, P.Eng.
Commissioner of Transportation/
Environmental Services

SUBJECT:

Harbottle Estates - Phase 1, Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of $13,125.00 as cash payment in lieu of the 5% land dedication in connection with "Harbottle Estates - Phase 1", Hamilton, being the cash payment required under Section 50 of the Planning Act.

The lands of Harbottle Estates - Phase 1 are located west of Chesely Street and north of Stone Church Road West in the Gourley Neighbourhood.

Ted Gill

for L.D. Turvey, P. Eng.
Commissioner of Transportation/
Environmental Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

BACKGROUND:

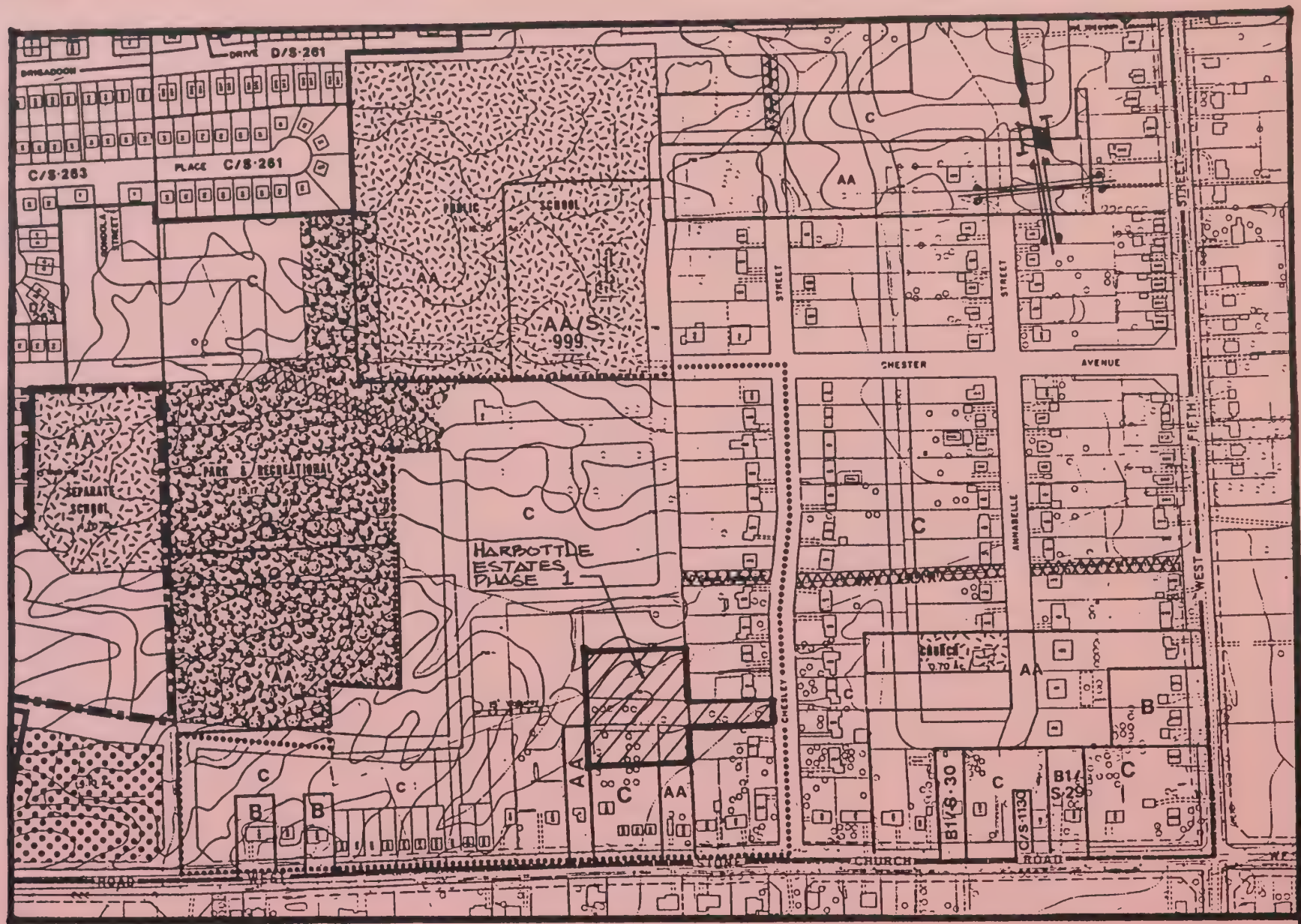
The Owner of Harbottle Estates - Phase 1 Subdivision (Lorne Harbottle), will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

Cont'd

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the subdivision agreement is $13,125.00.

MJI:lm
Attach.

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Real Estate Department



KEY PLAN

N.T.S.

GOURLEY

APPROVED PLAN

CITY OF HAMILTON

- RECOMMENDATION -

G

DATE: 1991 October 4
S705-27 P. Strong

REPORT TO: Miss Charlene Coutts, Secretary
Planning and Development Committee

OCT 1 1 1991

FROM: L.D. Turvey, P. Eng.
Commissioner of Transportation/
Environmental Services

SUBJECT: *"EASTGATE HEIGHTS EXTENSION", Hamilton*
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

That the City of Hamilton accept the sum of $8,390.00 as cash payment in lieu of the 5% land dedication in connection with "EASTGATE HEIGHTS EXTENSION", Hamilton, being the cash requirement under Section 50 of the Planning Act.

The lands of Eastgate Heights Extension are located west of Centennial Parkway and south of Barton Street in the Kentley Neighbourhood.

for L.D. Turvey, P. Eng.
Commissioner of Transportation/
Environmental Services

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs other than incidental staff time costs.

Continued ...

"EASTGATE HEIGHTS EXTENSION", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

Continued ...

BACKGROUND:

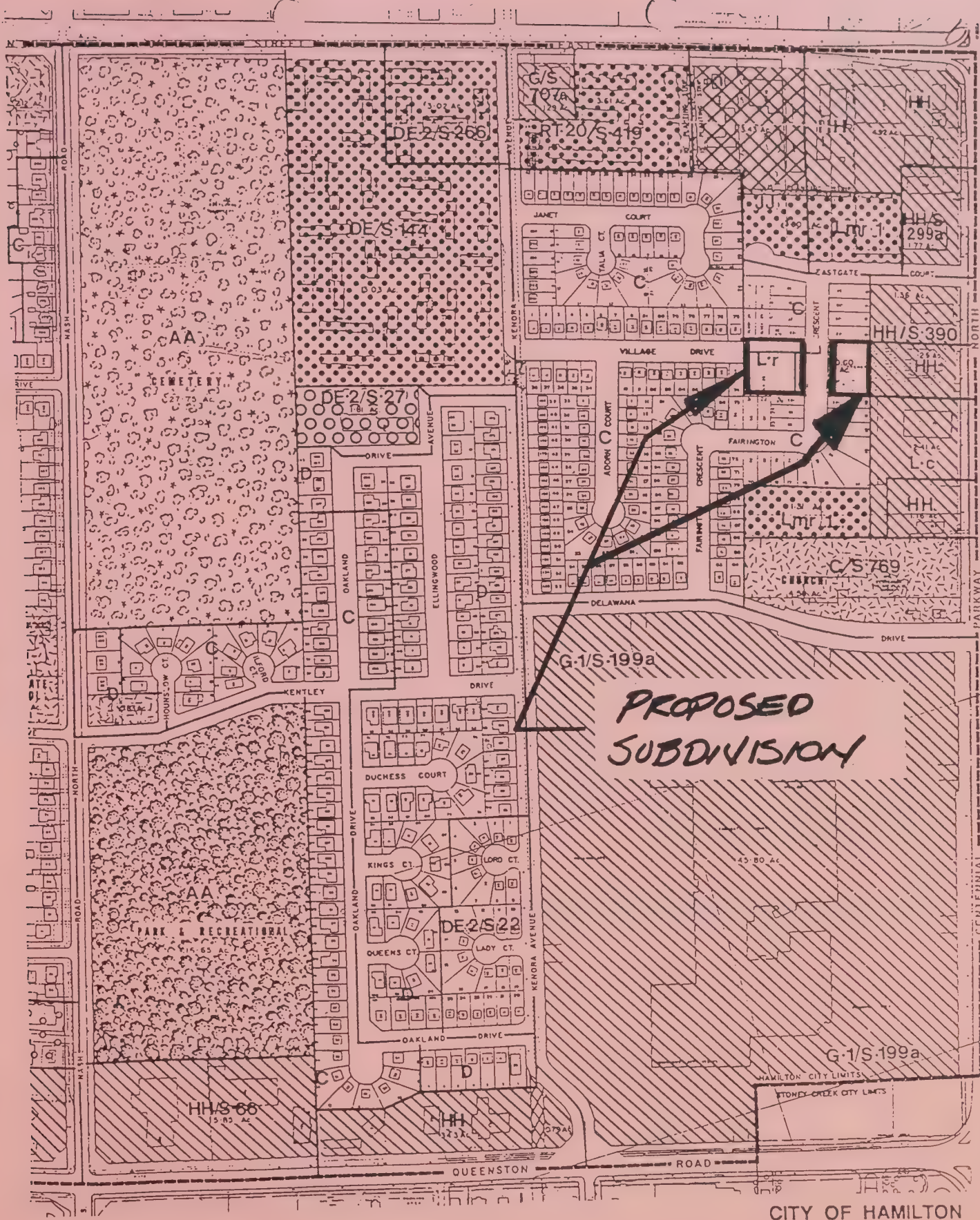
The owner of Eastgate Heights Extension Subdivision (Landmart Building Corporation), will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the final plan of subdivision has been attached for your information.

In accordance with normal city policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication.

The sum to be included in the subdivision agreement has been calculated to be $8,390.00. Note that an additional 5% is to be collected at the building permit stage under Section 41 of the Planning Act, 1983.

.
PS:tlj
attach

cc: D. Cobb, City Treasury



CITY OF HAMILTON
Planning Department

KENTLEY
APPROVED PLAN

NORTH

0 100m

SCALE 50m

"KEY PLAN: EASTGATE HEIGHTS EXT."

CITY OF HAMILTON

— RECOMMENDATION —

H

DATE: 1991 October 15

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Expropriation by City of Hamilton
402 Birch Avenue - Joseph Sprackman
& Associates Inc.**

RECOMMENDATION:

a) That an Agreement by Owner to Accept Compensation for the property of Joseph Sprackman & Associates Inc., executed on October 7, 1991 and scheduled to close on December 13, 1991, be accepted and completed. The subject property being Municipal Number 402 Birch Avenue, having a total frontage along the southerly limit of Birch Avenue of 7.62 metres (25 feet), more or less, shown as Part 3 on Expropriation Plan No. 79837, together with all structures erected thereon. The total compensation of $39,200.00 along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structure at 402 Birch Avenue take place upon closing.

b) That the Mayor and City Clerk be authorized to executed this Agreement on behalf of the City.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

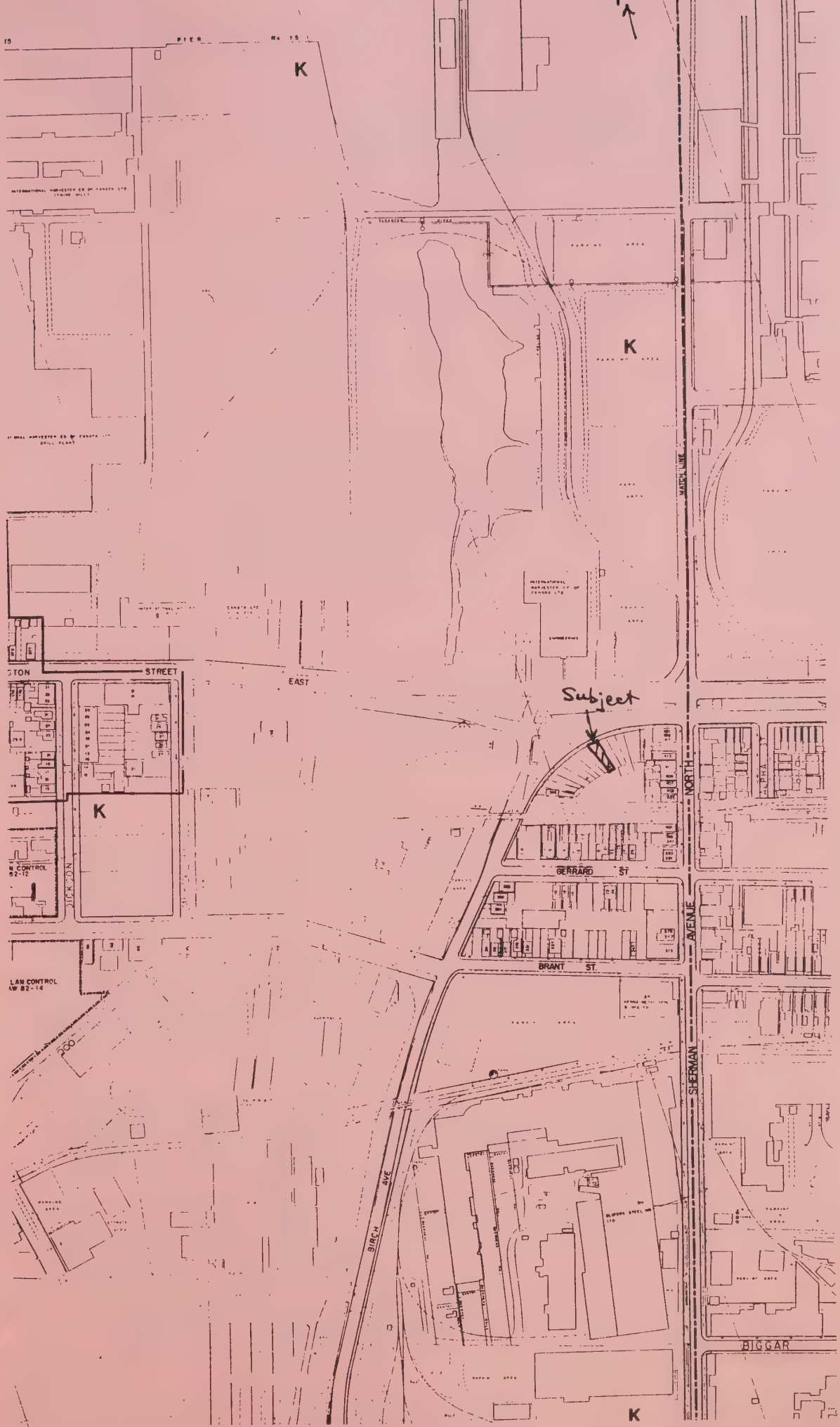
The subject property is located within the Alpha West Residential Enclave. The expropriation and acquisition of this property is in conjunction with the Residential Enclave Clearance Program, initiated for the purpose of purchasing and demolishing primarily residential dwellings located in older industrial zoned sections in the north-east part of the City.

On June 27, 1989, City Council authorized the City's application for approval to expropriate the remaining properties in the Alpha West Enclave. Pursuant to this, the expropriation of the property at 402 Birch Avenue was registered on title April 9, 1991 as Instrument No. 79837.

Attach.

c.c. - Mrs. P. Noé Johnson, City Solicitor
Attention: Ms. L. Lawrence
- Mr. E. C. Matthews, Treasurer
- Ms. L. MacNeil, Property Clerk, Surveys
- Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
- Mr. L. King, Building Commissioner

(4505)


Subject
K
K
K
K
STREET
EAST
NORTH
AVENUE
SHERMAN
GERRARD ST
BRANT ST
BIRCH AVE
BIGGAR
MARCH LINE

CITY OF HAMILTON

— RECOMMENDATION —

I

DATE: 1991 October 15

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Release of Construction Covenants**
-Adanac Ornamental Iron Works Limited
(Eugene Charko and Louis Jackle)
1224 Stone Church Road East, Hamilton
-Covenants as set out in Instrument
Number 292187 A.B.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 1224 Stone Church Road East, Hamilton from the construction covenants to the City as contained in Instrument Number 292187 A.B., registered on May 14, 1973.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 30(a) of the 28th Report of the Board of Control, City Council on July 25, 1972 approved the sale of 1224 Stone Church Road East to Eugene Charko and Louis Jackle, owners and partners in the company known as Adanac Ornamental Iron Works limited. This transaction was completed on August 18, 1972.

Under the terms of the covenants set out in Instrument Number 292187 A.B., the purchasers were to commence construction of a 3,200 square foot building by August 18, 1973 and have this building completed by August 18, 1974. The proposed building has been completed as required under the covenants.

This department supports the request of the owner that The City of Hamilton release the construction covenants contained in Instrument Number 292187 A.B. in order to clear the title.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Ms. E. Isajiw

(2738)

CITY OF HAMILTON

— RECOMMENDATION —

J

DATE: 1991 October 9

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Release of Construction Covenants**
- 658414 Ontario Inc. (Luciano DiDiodato)
Parts 1 and 2, Plan 62R-6941,
766 Burlington Street East, Hamilton
- Covenants as set out in Instrument
Number 379993 C.D.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 766 Burlington Street East, Hamilton from the construction covenants to the City as contained in Instrument Number 379993 C.D., registered on September 19, 1986.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 15 of the 12th Report of the Planning and Development Committee, City Council on June 24, 1986 approved the sale of Parts 1 and 2, Plan 62R-6941 to 658414 Ontario Inc. (Luciano DiDiodato). This transaction was completed on September 15, 1986.

Under the terms of the covenants set out in Instrument Number 379993 C.D., the Purchaser was to commence construction of a 9,000 square foot building by March 15, 1987 and have this building completed by March 15, 1988. The proposed building has been completed as required under the covenants.

This department supports the request of the owner that The City of Hamilton release the construction covenants contained in Instrument Number 379993 C.D. in order to clear the title.

c.c. Mrs. P. Noé Johnson, City Solicitor
Attention: Ms. L. Lawrence

(100.1.10(c) - 2738)

K

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 9
ZA-90-32
Eleanor Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Revised Schedule "A" - By-law No. 91-128.

RECOMMENDATION:

That the City Solicitor be directed to prepare a by-law to delete Schedule "A" of By-law No. 91-128 and replace it with a revised Schedule "A" to correct technical errors in the dimensions for the front lot line of Block "2" and the west side lot line of Block "4", for the lands municipally known as Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as Appendix "A".

EXPLANATORY NOTE:

The purpose of the by-law is to delete Schedule "A" of By-law No. 91-128 and replace it with a revised Schedule "A", for lands municipally known as Nos. 829, 837, 845 and 867 Rymal Road East, as shown on the attached key map.

The effect of the by-law is to correct the dimensions for the front lot line of Block "2", and the westerly side lot line of Block "4", which were incorrectly shown.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

1. By-law No. 91-128

By-law No. 91-128 was passed by City Council on June 25, 1991, and came into effect on August 6, 1991. The purpose of the by-law is to provide for changes in zoning for properties at Nos. 829, 837, 845 and 867 Rymal Road East, as shown on APPENDIX "A".

The effect of the by-law is to permit future townhouse development on Blocks "1" and "2", single-family dwellings on Block "4", and only limited neighbourhood type commercial uses on Block "3" (e.g. gas station, variety store, etc.).

In addition, the by-law provided for a number of special requirements including landscaping, visual barriers, and a prohibition on street townhouses.

2. DA-91-63

Site Plan Application 91-63 was submitted by Hamilton East Kiwanis Non-Profit Homes Inc. on August 20, 1991, for the development of 26 townhouse units on Blocks "1" and "2".

Following review of the plans, it was discovered that there was a discrepancy in the dimension of the front lot line and the corresponding rear lot line. More specifically, Block "2" on Schedule "A" to By-law No. 91-128 did not contain the walkway (3.05m), which it is understood was intended to be included. In this regard, the Planning and Development Committee's resolution stated, in part, the following:

"(j) That the following changes be made to the approved Eleanor Neighbourhood Plan:

...That the 10' walkway between Eaglewood Drive and Rymal Road East be closed.

(k) That the Transport and Environment Committee be requested to consider the closure and disposal of the walkway lands."

With respect to the westerly side lot line of Block "4", the dimension was incorrectly shown as 24.22 m instead of 26.53 m.

COMMENT:

Policy D.9.3 of the Official Plan states the following:

> "9.3 Notwithstanding Policy D.9.1 above, a public meeting will not be held where any Amendment is considered minor in nature. Minor Amendments will be for format changes, typographical errors, grammatical errors, or where a by-law amends a by-law to express a word, term, or measurement in the by-law in a unit of measurement in accordance with the Weights and Measures Act."

The correction to the front lot line dimension for Block "2" and the westerly side lot line dimension for Block "4" are viewed as "Minor Amendments", and would not conflict with the intent of the Official Plan. Accordingly, the holding of another public meeting would not be required to make the corrections to the By-law Schedule.

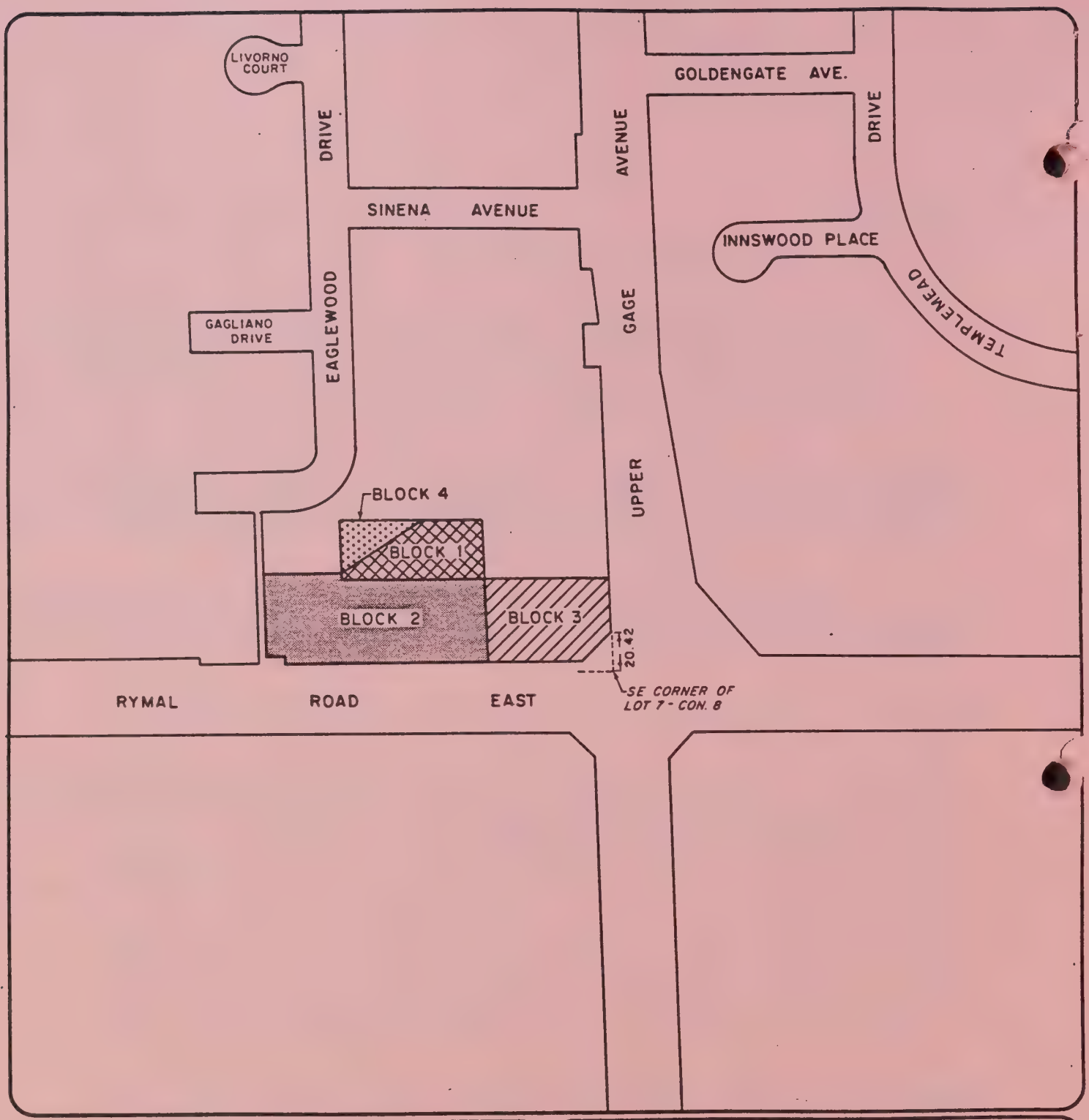
With respect to Site Plan Application DA-91-63, the inclusion of the westerly 3.05m of land fronting onto Rymal Road will be contingent upon the final closure and sale of the walkway to the proponent.

CONCLUSION:

Based on the foregoing, the City Solicitor should be directed to prepare an appropriate by-law to delete Schedule "A" of By-law No. 91-128 and replace it with a revised Schedule "A" to correct technical errors in the dimensions.

For the information of the Committee, the Law Department and Building Department concur with this corrective action.

PDM/ma



City of Hamilton

Key Map

to By-Law No. 91-128

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:

- BLOCK 1 — "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, Modified.
- BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District, Modified.
- BLOCK 3 — "C" (Urban Protected Residential, etc.) District to "HH" Restricted Community Shopping and Commercial) District, Modified.
- BLOCK 4 — "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

North	Scale	Reference File No.
	NOT TO SCALE	ZA 90-32
	Date	Drawn By
	MAY, 1991	L.B.

APPENDIX A

L

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 7
(25CDM-91003)

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Draft Plan of Condominium, Southern Garden Terrace

RECOMMENDATION:

That approval be given to application 25CDM-91003, 886417 Ontario Inc., owner, to establish a draft plan of condominium located on the north side of Rymal Road East, east of Upper Gage Avenue, subject to the following:

a) That this approval apply to the plan prepared by A.T. McLaren Limited, dated 5 February, 1991, showing 18 apartment units.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department

A.L. Georgieff, M.C.I.P.
Director
Local Planning Branch

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

886417 Ontario Inc. c/o Rick Holmes, Hamilton, Ontario

Surveyor/Agent:

A.T. McLaren Limited, Hamilton, Ontario

Location:

The lands, comprising 0.241 ha, are located on the south side of Rymal Road East, east of Upper Gage Avenue in the Broughton East Neighbourhood, City of Hamilton.

Proposal:

The owner proposes to establish an 18 unit apartment building as a condominium project.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Areas" - "Residential and Related Uses". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - low density apartments". The proposal complies.

Zoning - the lands are zoned "E2" Multiple Dwellings. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

The following agencies have advised that they have no comment or objection toward the proposal:

City Traffic Department
City Building Department
Uban Design Section
Ontario Hydro, Union Gas, Bell Canada

The Regional Department of Engineering - has submitted the following comments and recommendations:

"FOR INFORMATION:

1. *Municipal services, watermain, storm and sanitary sewers are available on Rymal Road East to service this site.*

2. *All development charges for this proposal will be collected at the building permit stage at the time of issuance.*

3. *Any works which occur within the Rymal Road, road allowance must conform to the Region of Hamilton-Wentworth Road Use By-law.*

4. *All road widenings required adjacent to this development have been granted to the Region of Hamilton-Wentworth.*

RECOMMENDATIONS:

Nil.

The submitted plans as prepared by A.T. McLaren, O.L.S. and dated February 5, 1991 is satisfactory to this department subject to the above noted comments and recommendations."

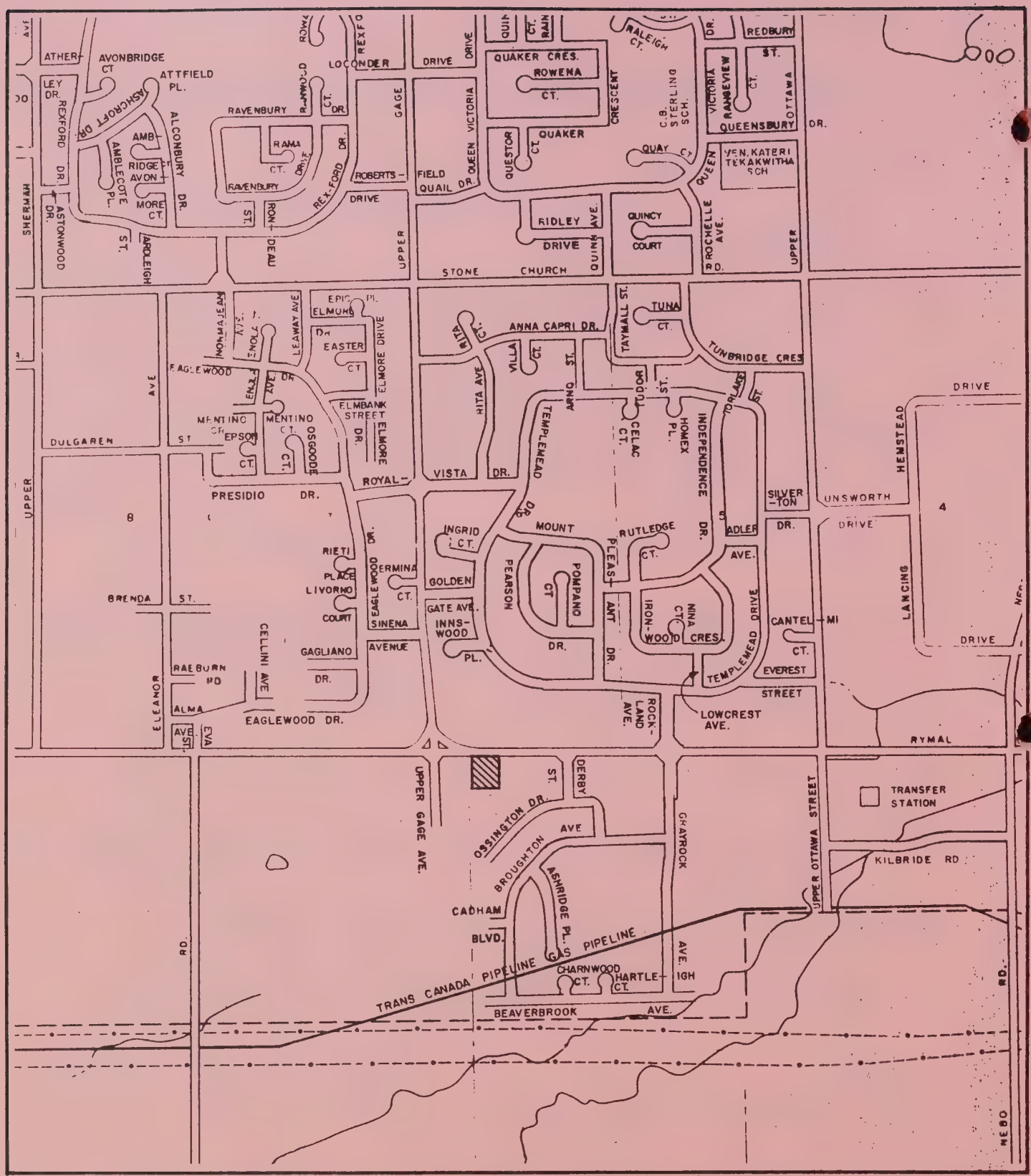
COMMENTS:

1. The conformity of the proposed development with the Official Plans and the Zoning By-law is noted.

2. No commenting agency has objected to the proposed condominium.

3. No conditions of approval have been requested.

LJL/CMD/sk



Location Plan For

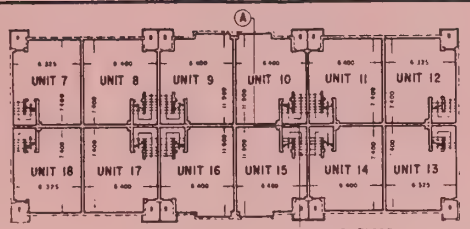
SOUTHERN GARDEN TERRACE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

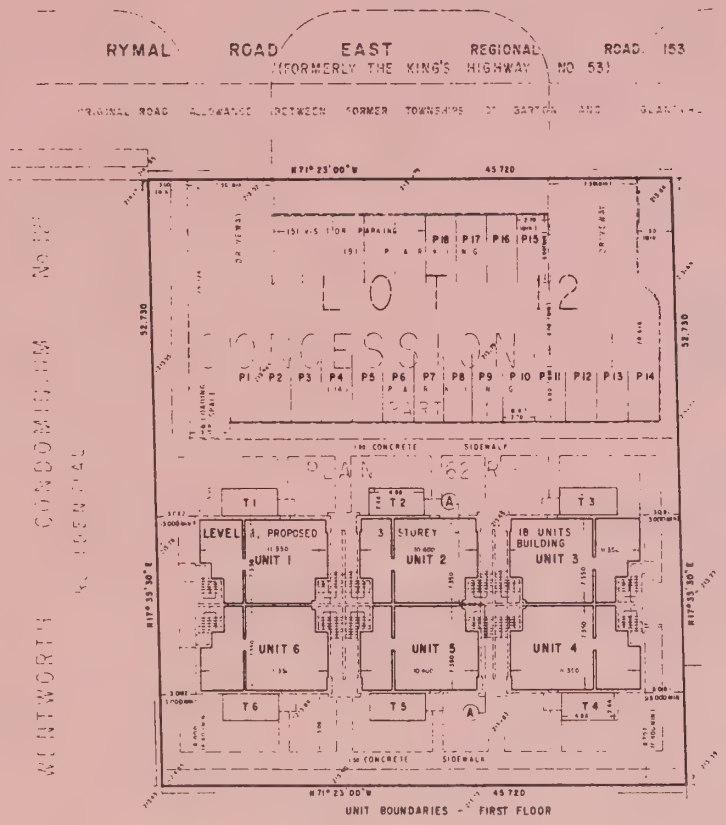
Legend

PROPOSED CONDOMINIUM

North	Scale	Reference File No.
	1" = 1000'	25CDM - 91003
	Date	Drawing No.
	MAY 15, 1991	

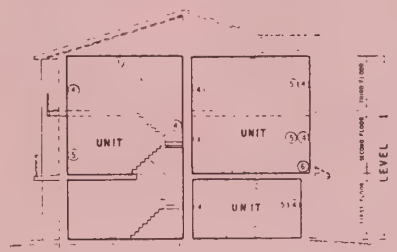


UNIT BOUNDARIES - SECOND FLOOR



UNIT BOUNDARIES - FIRST FLOOR

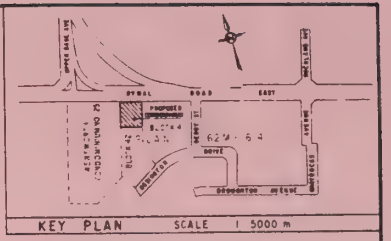
SECTION TO ILLUSTRATE UNIT BOUNDARIES



SECTION 'A-A'
NOT TO SCALE

LEGEND

1. THE UNFINISHED UPPER SURFACE OF THE CONCRETE FLOOR SLABS
2. THE UNFINISHED LOWER SURFACE OF THE CONCRETE CEILING SLABS FOR THE UNITS 1 TO 6 INCLUSIVE
3. THE BACK SIDE FACE OF THE DRYWALL CEILINGS FOR THE UNITS 7 TO 18 INCLUSIVE
4. THE BACK SIDE FACE AND PLANE OF DRYWALL ON ALL EXTERIOR WALLS, THE WALLS BETWEEN THE UNITS AND BEARING WALLS
5. THE UNFINISHED UNIT SIDE SURFACE OF ALL WINDOW FRAMES EXTERIOR DOORS AND FRAMES AND INTERIOR SURFACE OF ALL GLASS PANELS THEREIN
6. THE UPPER SIDE OF THE FLOOR JOISTS AT THE SECOND AND THIRD FLOOR BAY WINDOWS



KEY PLAN SCALE 1 5000 m

DRAFT PLAN OF
SOUTHERN GARDEN TERRACE
BEING A PROPOSED CONDOMINIUM PROJECT OF
PART OF
LOT 12, CONCESSION 1
(GEOGRAPHIC TOWNSHIP OF GLANFORD)
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1:200 m.

A.T. McLAREN, O.L.S. - 1991

NOTE THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SURVEYOR'S CERTIFICATE

I CERTIFY THAT
THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

5 FEBRUARY 199
DATE

A.T. McLAREN Ontario Land Surveyor

OWNER'S AUTHORIZATION

WE 886417 ONTARIO LIMITED
BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A.T. McLAREN LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL

OWNER 886417 ONTARIO LIMITED

5 FEBRUARY, 199
DATE

RICHARD J. HOLMES
I HAVE THE AUTHORITY TO BIND THE CORPORATION

SECTION 50(2) PLANNING ACT-1983

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICE EXISTING
F SHOWN ON PLAN	L SHOWN ON PLAN

SCHEDULE

TOTAL AREA OF SITE 2410.43 m²
TOTAL NUMBER OF UNITS = 18 (2 BEDROOM)
TOTAL PARKING SPACES = 23 (23 + 1 LOADING SPACE)
MAXIMUM BUILDING HEIGHT = 11 m (3 STOREY)
CONSTRUCTION TO COMMENCE IN 1991

——— DENOTES UNIT BOUNDARY — B DENOTES BALCONY
- - - - DENOTES EXTERIOR FACE OF STRUCTURAL WALLS
T - DENOTES EXCLUSIVE USE DESIGNATION FOR TERRACE — P - DENOTES EXCLUSIVE USE DESIGNATION FOR PARKING

BENCH MARK NOTE ELEVATIONS SHOWN ON THIS PLAN ARE GEODETIC AND RELATED TO A PLAQUE IN THE NORTH FOUNDATION OF HOUSE NO 484 ELEANOR AVE
BENCH MARK NO 484 - ELEVATION = 219.574 m (720.386 ft)

A.T. McLAREN LIMITED
LEGAL AND ENGINEERING SURVEYS
103 JOHN STREET SOUTH
HAMILTON - ONTARIO
527-8559 527-0032

Drawn I.B. | Checked S.D.M. | Scale 1:200m | Dwg No 25313

2

CITY OF HAMILTON

- INFORMATION -

DATE: 1991 October 15

REPORT TO: Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: K. E. Avery
City Clerk

SUBJECT: **Jamesville Business Improvement Area Vote.**

BACKGROUND:

As directed by City Council at its meeting held 1991 September 24, the City Clerk's Department in conjunction with the former Community Development Department conducted a vote of the Jamesville Business Improvement Area (B.I.A.) on 1991 October 9.

Staff met with Mr. Ron Corsini, representing the business persons in favour of the B.I.A., and Reverend Ron Burridge, representing the business persons opposed to the B.I.A. to finalize the voting process, voters list and ballot. All parties involved were in agreement with all of the arrangements made for the B.I.A. vote.

The vote took place on Wednesday, 1991 October 9, from 5:00 p.m. to 8:00 p.m., at Christ's Church Cathedral, 252 James Street North.

Mr. Corsini and Reverend Burridge were present during polling hours and acted as scrutineers for the opposing sides. Both scrutineers indicated that they were satisfied with the voting procedure and counting of the ballots.

/2 ....

Following are the results of the vote on the question "Do you want a Jamesville Business Improvement Area (B.I.A.)?".

Number of Eligible Voters:	157
Number of Ballots Cast:	86
Number of Ballots In Favour:	19
Number of Ballots in Opposition:	67
Number of Spoiled Ballots:	0

c.c.'s - Alderman Agro, Ward 2
Alderman McCulloch, Ward 2
J. Pavelka, Director of Public Works
Attention: Reg. Meiers
c/o Community Development Offices - 1st Floor, City Hall

3

CORPORATION OF THE CITY OF HAMILTO

MEMORANDUM

****

TO: Miss C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. J. Schatz
Deputy City Clerk
City Clerk's Department

OUR FILE:
PHONE: 546-2727

SUBJECT: CP RAIL

DATE: 1991 September 26

Attached please find a copy of a letter dated September 9, 1991 from CP Rail respecting the former TH&B Roundhouse which City Council at its meeting held September 24, 1991 referred to the Planning and Development Committee.

att.

c.c.: Mr. D. W. Vyce, Director of Property
Mr. A. Georgieff, Director of Planning
Mrs. B. Carter, Secretary, L.A.C.A.C.

Union Station
65 Front Street West, Room 354
Toronto, Ontario M5J 1E8
Tel (416) 863-8020, Fax (416) 863-8577

CP Rail

SEP 13 1991

G R Mackie
Executive Vice-President

Toronto, September 9, 1991

His Worship
Mayor Robert M. Morrow
City of Hamilton
City Hall
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Dear Mayor Morrow:

Subject: Former TH&B Roundhouse

This refers to your letter of August 5, 1991 addressed to Mr. I.B. Scott, concerning the former TH&B Roundhouse at Hamilton, Ontario.

In our discussions with Alderman McColloch, CP Rail has outlined its concerns over the condition of the former Roundhouse which represents a serious liability to the Company. Mr. Cairns confirmed these concerns to Alderman McColloch in his letter of August 20, 1991. However, we are not opposed to delaying our plans to demolish the building, in order to permit the City an opportunity to secure funding for the purchase of the property and rehabilitation of the building.

CP Rail is prepared to delay demolition of the Roundhouse until November 30, 1991. To do this, we must ask the City to assume liability for the building and compensate CP Rail for any costs associated with this delay, such as the termination of the demolition contract. Would you please confirm that this is acceptable.

Mr. Cairns would be pleased to work with the City's representatives to resolve purchase matters. I wish you every success in this initiative.

Sincerely,

G.R. Mackie

ROBERT M. MORROW
MAYOR

Hamilton

August 5th, 1991

Mr. I. B. Scott, C.E.O.
C.P. Rail
P.O. 6042, Station A
MONTREAL, Quebec
H3C 3N4

Dear Mr. Scott:

RE: C.P. RAIL (FORMER T.H. & B.) ROUNDHOUSE

I would like to draw your attention to a matter of concern related to a C.P. Rail property in the City of Hamilton. There is a 16 acre site located in the south-west section of our city where a very remarkable complex of historic railway structures is located, the most important of which is a 27-stall roundhouse complete with a 100 ft. turntable.

We recognize the need for C.P. Rail to dispose of surplus properties but given the uniqueness of the buildings we are requesting time to pursue other alternatives to the proposed demolition of these structures. I have been advised recently that C.P. Rail is considering demolishing these structures some time around the end of July, 1991.

Hamilton City Council at its last meeeting on July 30th supported a request for a three month delay to allow investigation into other possible uses. Council also supported a request to the Provincial Government to consider the Roundhouse as the future location for their proposed Museum of the Working Man.

The C.P. Rail Roundhouse and adjacent buildings are considered to be an irreplaceable resource which forms an integral part of Hamilton's industrial heritage. The three month delay of demolition would give the city the opportunity to explore possible alternative solutions. We thank you for the consideration of this matter.

Yours sincerely,

Robert M. Morrow
Mayor

/pb.

cc: Ald. Dave Wilson
Mr. Len Clarke, Superintendent Ontario South

City Hall
71 Main Street West, Hamilton, Ontario, Canada L8N 3T4
Telephone: (416) 546-2790

Address: cc Mr. Len Clarke, Superintendent
Ontario South
C.P. Rail
Room 222, Union Station
Toronto, Ont. M5J 1E8

4

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 15

REPORT TO: Ms. Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. L. King, P.Eng.
Building Commissioner

OCT 1 : 1991

SUBJECT: **Eligibility Amendment -**
Ontario Home Renewal Programme (OHRP)

RECOMMENDATION:

That City Council request the Provincial Government's Ministry of Housing to amend the eligibility criteria for the Ontario Home Renewal Programme (OHRP) to enable the City of Hamilton to process rehabilitation loans and grants from the existing municipal recyclable accounts.

NOTE: The cost to the Province and the Municipality to implement these changes will be nothing, but will permit the City to use available funds designated for this purpose.

Mr. L. King, P. Eng.
Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

In 1974 the Provincial Government announced a rehabilitation programme which provided assistance in the form of grants and/or low interest loans to owner/occupants of single family residential dwellings. The Programme was implemented by the municipality based on Capital grants provided by the Province. The work eligibility for funding was based on the City's Property Standards By-law. The Programme guidelines however, were developed by the Province, including income eligibility criteria. The terms of the Programme, and the Agreement signed with the Province, required the City to establish a revolving fund with the repayment

portion of the loans. The Province hoped that the Municipality would eventually have a fund large enough to ensure continuance of the Programme, and allow the Province to stop the Capital funding. The City has received over four million in Capital Grants from the Province, and spent over five and a half million dollars in rehabilitation assistance.

As projected, the Provincial funding ceased in 1981, but as designed, the City had established sufficient reserves through interest and repayments to ensure the continuance of the Programme. The present problem is not the usual one of lack of financial resources as the City has over three million dollars, but the Programme guidelines. Unfortunately, the Province has not changed the guidelines for over five (5) years, and even then, only the income ceiling was raised and not the grant levels. The Province has been reluctant to amend the guidelines because of the work involved, and their inability to put new money into the Programme. It should be noted that while Hamilton and several other municipalities have funds, the majority of centres opted to give all the money away in the form of grants and not to provide the loan assistance which was also available. The result of this decision, was of course, that they had no recyclable accounts.

At present, the guidelines require a family to be earning less than $21,000. gross per year to be eligible for a combination of loan and grant of $7,500. The applicant, however, is not eligible for any grant until the family income is less than $16,000. In order to receive the maximum grant, the income must be less than $8,000. The interest rate also runs from 0% to 10%, but in order to qualify for 0% interest the family income must be $5,000. or less, while the maximum interest rate applies for incomes of $16,000. At the present time, two senior citizens receiving no other assistance but government cheques earn approximately $16,800. per year. This entitles them to no grant and a repayable loan of $7,500. based on a 10% interest.

A further complication arises as the City is also implementing the Federal Government's Residential Rehabilitation Assistance Programme. While the target group and the intention of the two (2) Programmes were the same, the Provincial Programme has not kept pace. The Federal Programme provides far more assistance. Grants of $5,000. and loans of $5,000. are available on incomes of less than $20,000. The problem is that we receive a limited yearly budget which prevents us from actively promoting the Programme as the funds are used by "word of mouth". Obviously, anyone eligible for the Provincial Programme is also eligible for the Federal and we could not, in good conscience, direct them to the less advantageous Programme. Under the Residential Rehabilitation Assistance Programme (RRAP) two (2) senior citizens with an income of approximately $16,800. per year would be eligible for $3,100. in grant, and a repayable $6,900. loan at C.M.H.C.'s interest rate.

Prior to the last Provincial election, the Association of Municipalities of Ontario (A.M.O.) had been pressing the Provincial Government to change the guidelines to reflect present economic conditions. As indicated, the government was reluctant to make these changes because they did not want to provide additional Capital funding. After considerable discussions, over two (2)

years, the Province agreed to look at the regulations as one issue, and the funding as a second separate issue. A Committee, made up of Provincial and Municipal staff including Mr. J. Robinson of our Department, prepared recommendations which were to be presented to Cabinet. Unfortunately, before any action could be formalized an election was called.

The Department has continued to request A.M.O. to exert pressure on the Provincial Government, but the Province has continually indicated that they had other priorities. A.M.O. in their response to the recent Green Paper on "A Housing Framework for Ontario", again requested the Government to look at the existing guidelines to enhance the eligibility criteria.

The Department believes that now is the ideal time to push for changes because of the economic climate in the Housing industry, and the fact rehabilitation is labour intensive. It is also important to realize that the money is available from the existing Programme, therefore, no additional financial burden is placed on either the City or the Province.

The Building Department therefore recommends that the Planning and Development Committee and City Council formally request the Minister of Housing to review the financial guidelines of the Ontario Home Renewal Programme (OHRP), with the intention of increasing the eligibility limits for the loans and grants to reflect the current economic conditions.

CITY OF HAMILTON

— RECOMMENDATION —

5

DATE: 1991 October 17

REPORT TO: Ms. Charlene J. Coutts, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

SUBJECT: **Zoning By-law No. 91-144**
Rezoning Former Inverness School Site
- 402 Upper Wentworth Street

RECOMMENDATION:

That the City Solicitor be directed to prepare a by-law for presentation to City Council to repeal zoning By-law No. 91-144, approved by City Council on July 30, 1991, pursuant to Section 34 of the Planning Act.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The City of Hamilton has been attempting to develop the former Inverness School site as a residential development to offset the costs of constructing a Senior Citizens Centre located at Sackville Hill Park.

This zoning by-law was to have allowed the development of twelve (12) small lot single family residential properties in keeping with the surrounding neighbourhood. However, an objection to the proposed rezoning was received which would necessitate a hearing before the Ontario Municipal Board, thereby delaying the City's development plans for a period of about one (1) year.

Therefore, it is our intention to return to the original "C" (Urban Protected Residential, etc.) and "D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) zonings respectively, in order that we may proceed with the development at this time. This will effectively result in a change from twelve (12) lots ranging from 33 feet frontage as originally proposed to a development containing ten (10) lots of 40 feet frontage.

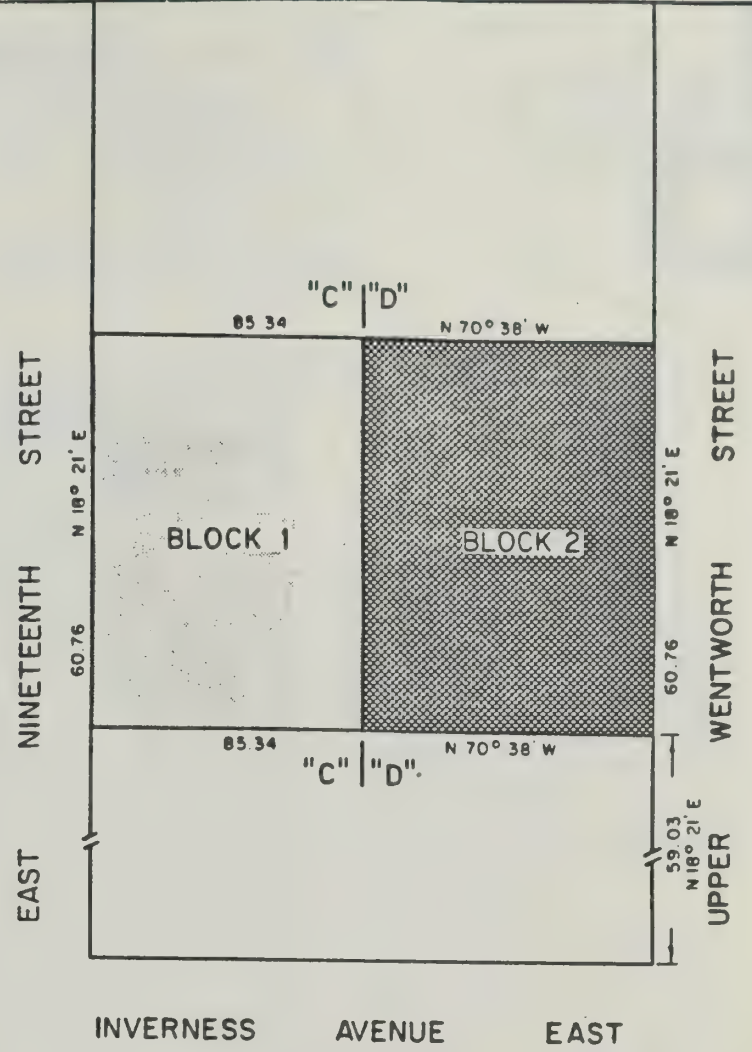
It is proposed the land will be developed with single family dwellings. Notwithstanding a portion of the site is zoned "D" and permits not only single family dwellings but also two family dwellings and townhouses, it is our intention to control the usage to single family uses by the exclusive tender of alternate lots having a "D" zoning.

Consequently the purchasers of "D" zoned lots will be restricted to the building of single family residences and upon construction the remaining residential lots will be tendered.

Attach.

c.c. - Alderman H. Merling, Alderman, Ward 7
- Alderman J. Gallagher, Alderman, Ward 7
- Mrs. P. Noé Johnson, City Solicitor
Attention: Mr. D. Powers
Attention: Mr. A. Zuidema
- Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
- Mr. L. King, Building Commissioner
- Mr. L. Dale Turvey, Commissioner of Transportation and Environmental Services
Attention: Mr. K. Brenner
- Mr. R. Sugden, Director of Culture & Recreation

(4508)



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 91-144
Passed the 30th day of July, 1991.

Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 91-144
to Amend By-Law No. 6593

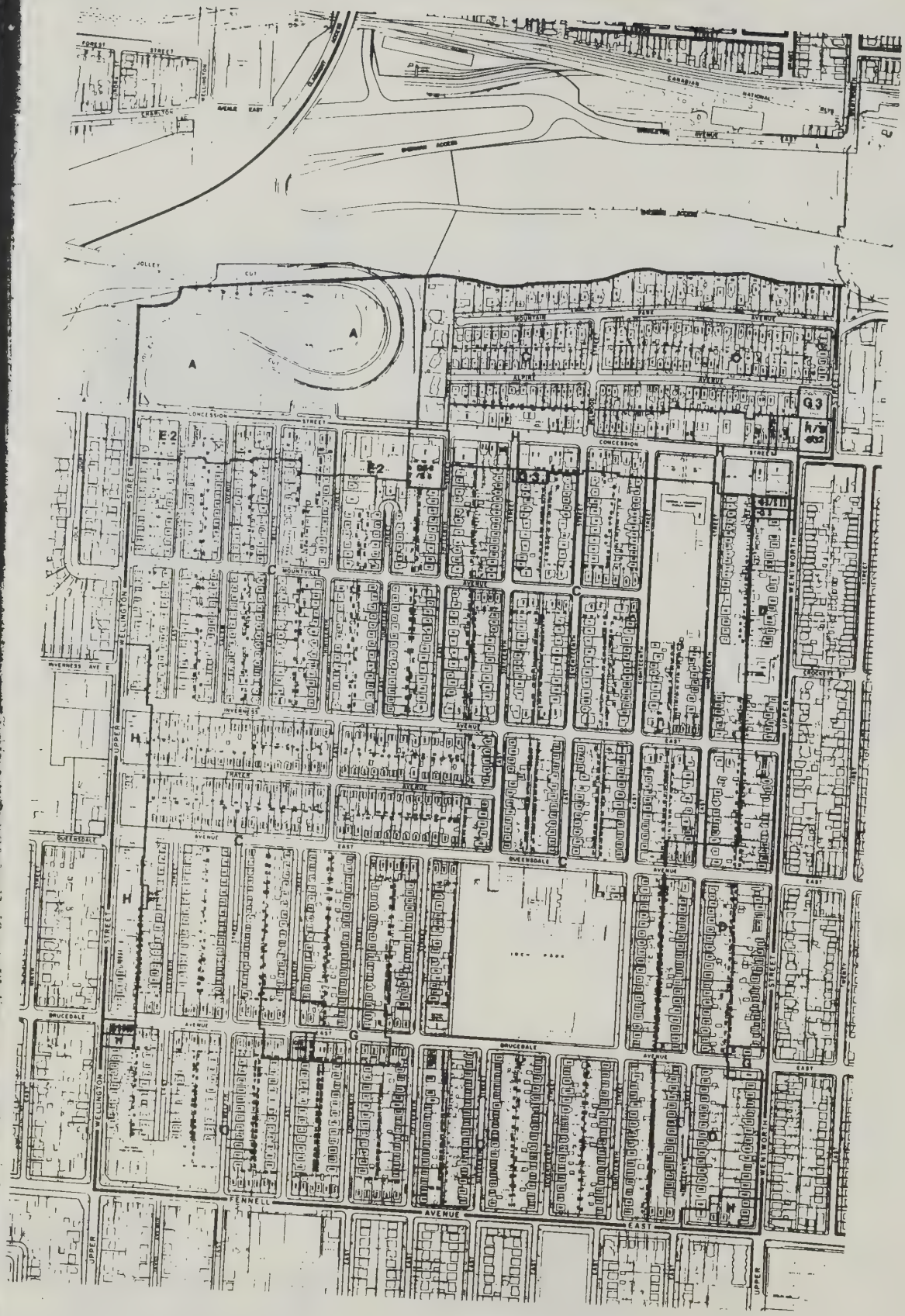
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend
Changes in zoning from:

BLOCK 1 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detatched) District.

BLOCK 2 — "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District to "R-4" (Small Lot Single-Family Detatched) District.

North	Scale	Reference File No.
	NOT TO SCALE	CI 91-C
	Date	Drawn By
	JUNE, 1991	L.B.



31	125	124
22	68	42
7	86	18

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

INCH PARK

ZONING

Neighbourhood Boundary
Zoning Boundary

SCALE

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton-Wentworth

PLANNING MAP NO. 7210

JANUARY 1980

PAGE NO. 68

6

CITY OF HAMILTON

- RECOMMENDATION -

DATE: October 15, 1991
DA-91-40 (DA-88-136)
Corktown Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Site Plan Control Application DA-91-40 to amend approved and registered plans for a commercial/residential complex with public parking facilities to be located at 18 Main Street East.

RECOMMENDATION:

1. That approval be given to Site Plan Control Application DA-91-40, by DeSantis Group Inc., owner of lands at 18 Main Street East, for a commercial/residential complex with public parking facilities to amend approved plans of Site Plan Control Application DA-88-136, to incorporate changes to the residential component, subject to the following:

    i) modification to the plans related to dimensions and notes as marked in red on the plans; and,

2. That the following resolution be forwarded to City Council;

i) That approval be given to register the plans of Site Plan Control Application DA-91-40 by DeSantis Group Inc., owner of lands at 18 Main Street East, to amend the plans of Site Plan Control Application DA-88-136, registered on title on December 5, 1990 as Instrument No. LT 291766

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted to amend the registered plans of Site Plan Control Application DA-88-136. The design of the residential component of the development has been modified to provide an "L" shaped tower configuration. The appearance from Main Street and Hughson Street will remain the same. The interior landscaped area, located on the eighth floor level, is now exposed to the south property line, instead of being surrounded by the residential tower.

The lower level and parking areas remain the same as originally approved.

COMMENTS RECEIVED:

The Building Department has indicated the following:

a) Two loading spaces are required. Only one is shown on the plan.

b) The required residential parking is 58 spaces. Shown is 55 spaces on the plan.

c) The ornamental projection on the upper floors encroaches over the city property and will require an agreement with the city.

d) The angle of light obstruction is not provided off the Hughson Street side.

The Hamilton-Wentworth Engineering Department has advised that the ground floor plan is approved with respect to grading. Technical comments dealing with Transportation matters previously noted in comments dated November 6, 1990 are still applicable.

The Traffic Department has requested clarification to the dimensions of a number of parking spaces and ramp grades.

COMMENTS:

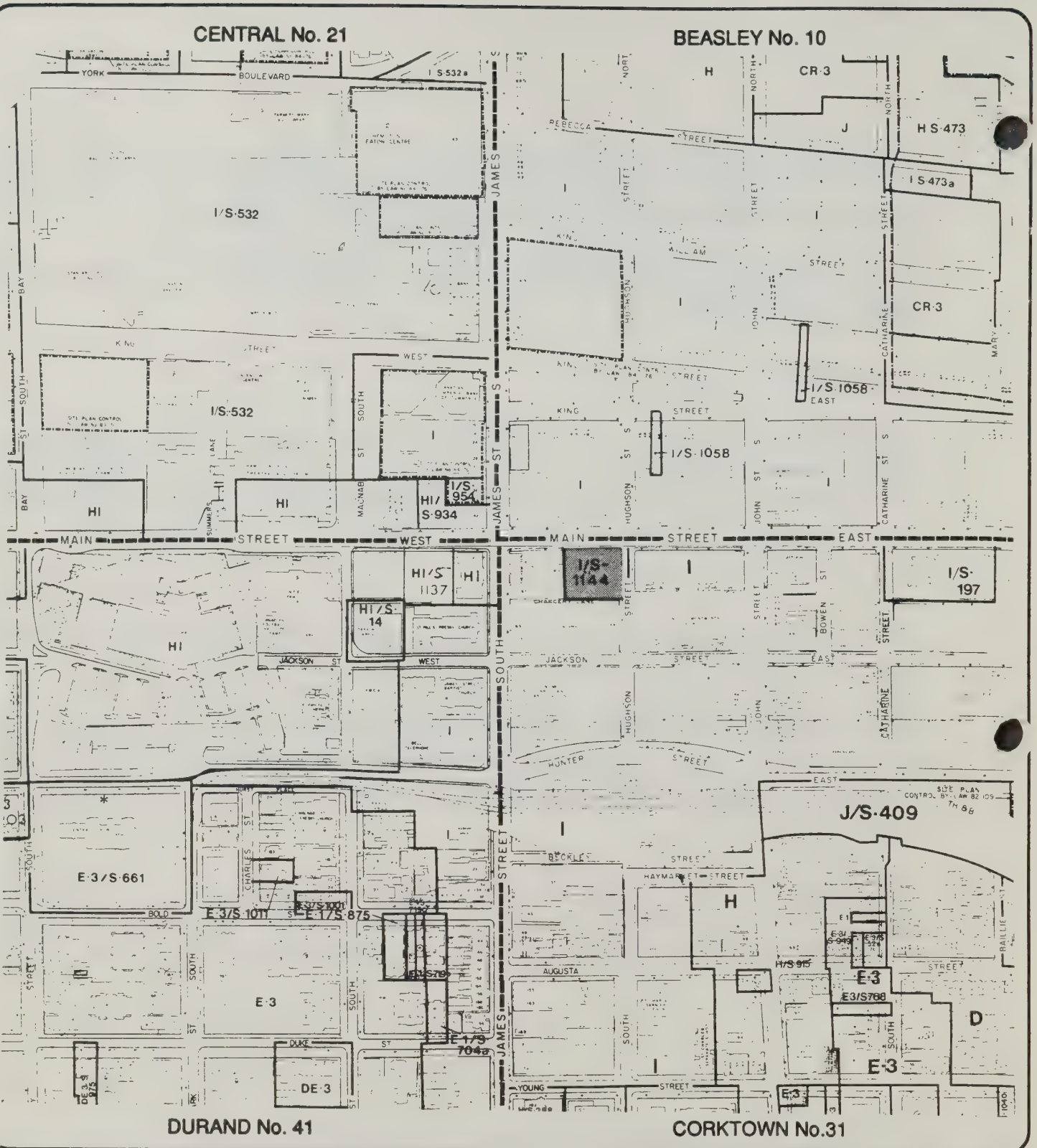
Modifications are required to the plans and have been marked in red on the plans to incorporate the various comments and concerns noted by the departments. In regard to the Building Department comments, the applicant has re-calculated the data and has indicated that the average angle of light obstruction is 73.5° from the centre line of Hughson Street which is within the by-law requirements of 75°.

The proposed landscape design will be open to the south exposure and will provide a useable and attractive outdoor amenity space.

The revised design of the development will not alter the approved elevations from Main Street East and Hughson Street. The rear elevation from the south will essentially remain the same with the apartments now overlooking the open landscape area instead of the alleyway along the southerly boundary.

As the previous plans and drawings under DA-88-136 were registered on title as Instrument No. LT 291766, a resolution should be forwarded to City Council requesting that the plans and drawings of DA-91-40 amend the existing registered agreement.

JPS/ma



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-91-40

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-91-40
	Date	Drawn By
	APRIL, 1991	L.B.

7

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1991 October 15

REPORT TO: Ms. C. Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

SUBJECT: Commercial Improvement Programme; Funding of Studies

RECOMMENDATION:

That the Commercial Improvement Programme Guidelines attached as Schedule 'A' be amended to allow for partial funding of Consultants' studies within Business Improvement Areas (B.I.A.'s) according to the following criteria:

1) The Commercial Improvement Programme would fund consultants' studies at 25% of the total cost to a maximum of two thousand, five hundred dollars ($2,500.).

2) Prior to approving a B.I.A.'s submission for financial assistance, the B.I.A. must demonstrate that all other sources of funding have been exhausted.

3) The consultant hired to carry out the Study must provide a written and verbal report on their progress to the Downtown Action Plan Co-ordinating Committee (DAPCOM) and must be willing to liaise directly with both the City and the B.I.A. for input on the project.

4) Sign Studies will not be eligible. The Community Renewal Section recommends that a full-scale Sign Study be undertaken by the Planning and Development Department involving all of the B.I.A.'s with particular emphasis on the central core B.I.A.'s.

NOTE: **Any B.I.A. that has carried out a study and incurred this expense, will be reimbursed upon submission of an invoice.**

J. G. Pavelka

J. G. Pavelka, P.Eng.
Director of Public Works

...../2

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funding is available in the Commercial Improvement Programme Account No. CF 5698 428705099.

BACKGROUND:

At the DAPCOM Meeting held 1991 May 09, the Committee considered requests from three of the eight B.I.A.'s to partially fund consultants' studies under the Commercial Improvement Programme. Assistance with this funding will encourage the B.I.A.'s to hire a professional to provide a comprehensive review of each of the areas and assist the groups in identifying and reaching their potential. Both the Ottawa Street and International Village B.I.A.'s have hired consultants to carry out design and facade studies. The results of these studies can be used by the B.I.A. Boards and staff to provide guidelines for future growth and development.

Although this is the fifth and final year for the Commercial Improvement Programme, it is important to provide the existing B.I.A.'s with an avenue to pursue in the future. The recommendations that form part of a consultant's study would provide this.

JMcN:RPM:bk

Schedule A

COMMERCIAL IMPROVEMENT PROGRAMME

SELECTION CRITERIA
(AMENDED CITY COUNCIL 1990 FEBRUARY 27)

IN THE CITY OF HAMILTON

Department of Community Development
1990 February

The Department of Community Development, in establishing the selection guidelines for the Community Improvement Programme, addressed items that the B.I.A.'s study should include as well as the criteria to be used in evaluating financial requests from the B.I.A.'s. The following provides an outline of the selection process.

CRITERIA FOR AREA

1. Age of Hard Services

Priority will be given on the age and condition of hard surfaces (i.e. oldest most needy), including the sharing of costs with the Region based on their Reconstruction-Resurfacing Schedule.

2. Market Catchment Area

The type of commercial needs it caters to, i.e., neighbourhood shopping, Regional mall, tourist area and/or ethnic flavour, will be considered.

3. Stability of B.I.A.

The B.I.A. must be in existence and operating for at least one year.

4. Central Area

As stated in the Official Plan, "The Central Policy Area is recognized as the highest level in the Commercial hierarchy and is promoted as the principal retail centre for both the City and the Region, offering the widest range of goods and services". Thus consideration will be given based on the aforementioned, to the B.I.A.'s in the Central Policy Area.

5(a). Municipal Expenditure

The last major municipal expenditure in the area will be considered in terms of when and how many municipal dollars spent.

(b) B.I.A. Expenditure (AMENDED FEBRUARY 1990)

In order to be eligible under the programme, the B.I.A. must have an annual operating budget with levies averaging not less than one hundred dollars ($100.) per member per year.

...../2

6. B.I.A. Study

The B.I.A. study submitted will be assessed based on: the scope and nature of the submission, the breakdown of hard and soft services, long term objectives and goals, a clear majority of 60/40 B.I.A. members in favour of the improvements proposed - this ascertained by means of a general membership meeting or an individual poll to avoid potential conflicts and facilitate implementation.

7. Uniqueness of Proposal

New, imaginative ideas conducive to Hamilton's future growth will be favourably considered.

8. Commercial Facade Loan Programme

The viability of implementation of the Commercial Facade Loan Programme will be considered based upon the age of buildings, and any architectural or historical significance.

In order to be eligible for the Commercial Facade Loan Programme, the member B.I.A. for each application must have an annual budget with average levies of one hundred dollars ($100.) each per year per member. **(AMENDED FEBRUARY 1990)**

CRITERIA FOR MUNICIPAL EXPENDITURE

1. Staged Project

Any acceptable proposal exceeding available funds will be considered as a staged project over a number of years.

2. Specific Staging

Any proposal over $500,000. must also provide specific staging and priorities for implementation i.e. if approval not given for Stage 2 the project completed (Stage 1) stands on its own merit. Each year proposals are reviewed and allocations made. Thus, the Planning and Development Committee and subsequently City Council can terminate or postpone stages of the programme prior to next years' allocation.

...../3

3. Maintenance Costs

The ongoing maintenance costs to the City of Hamilton and the Region will be considered.

STUDY

1. Market Catchment Area

The type of commercial needs the B.I.A. caters to, i.e., neighbourhood shopping, regional mall, tourist area or ethnic flavour must be outlined in the B.I.A. professional study submission.

2. B.I.A. Study

The study must include breakdown of hard and soft services, preliminary cost estimates, long term goals and objectives, reference to a clear majority (60/40) in favour of proposed changes, i.e., general meeting or merchant poll to confirm support.

3. Condition of Building

The age of buildings relative to their historical or architectural significance must be addressed to ascertain the viability of the implementation of loan/grant programmes (i.e., Heritage, Commercial Facade, Low-Rise).

4. Funding **PROPOSED AMENDMENT**

a) The Commercial Improvement Programme would fund consultants' studies at 25% of the total cost to a maximum of two thousand, five hundred dollars ($2,500.).

b) Prior to approval of a B.I.A.'s submission for financial assistance, the B.I.A. must demonstrate that all other sources of funding have been exhausted.

c) The consultant hired to carry out the Study must provide a written and verbal report to the Downtown Action Plan Co-ordinating Committee (DAPCOM) on their progress and must be willing to liaise directly with both the City and the B.I.A. for input on the project.

d) Sign Studies will not be eligible. The Downtown Action Plan Co-ordinating Committee recommend that a full-scale Sign Study be carried out separately in conjunction with the Planning and Development Department.

e) Any B.I.A. that has already carried out a study that meets the above criteria will be reimbursed upon submission of substantiating documentation.

...../4

SUMMARY

The Department of Community Development would prepare recommendations to the Planning and Development Committee based on the preceding guidelines.

Assistance will also be given to the B.I.A.'s with respect to the terms of reference for the professional study undertaken financially by the B.I.A. The B.I.A.'s must understand and acknowledge in writing that the submission of the study does not necessitate the allocation of funds by the municipality.

The Commercial Improvement Programme will be limited to B.I.A.'s in existence and operation for one year for the following reasons:

a) There is a definite need for a stable political system and structure effectively ensure majority approval.

b) Due to the present limitations of the annual capital budget there will not be enough funding available to make this programme available to new B.I.A.'s during their first year of operation.

c) The B.I.A. Legislation provides an ideal mechanism for the business community to collect the necessary funding for the required study.

8

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 9
CI-91-F
Trenholme Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: City Initiative 91-F for a change in zoning - No. 1100 Limeridge Road East.

RECOMMENDATION:

That approval be given to City Initiative 91-F, for a change in zoning from "RT-10" (Townhouse) District, modified to "DE" (Low Density Multiple Dwellings) District, modified, to permit development of the subject lands for a 4 storey, 57 unit senior citizens apartment building, by the Municipal Non-Profit (Hamilton) Housing Corporation, for property located at No. 1100 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "RT-10" (Townhouse) District to "DE" (Low Density Multiple Dwellings) District;

ii) That the "DE" (Low Density Multiple Dwellings) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

a) That notwithstanding Section 10A of By-law No. 6593, only a multiple dwelling containing not more than 57 Senior Citizens' Dwelling Units shall be permitted;

b) For the purposes of this By-law, a Senior Citizens' Dwelling Unit shall mean a separate set of living quarters, operated by a non-profit housing corporation which receives assistance under the National Housing Act or other non-profit housing programs, for qualifying senior citizens, and which shall include at least one room and separate kitchen and sanitary conveniences with a private entrance outside or from a common hallway or stairway inside.

c) That notwithstanding Section 10A(2) of By-law No. 6593, a maximum height of not more than four storeys shall be permitted;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-59B be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59B for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

vi) That the approved Trenholme Neighbourhood Plan be amended by redesignating the subject lands to "LOW DENSITY APARTMENTS".

EXPLANATORY NOTE:

The purpose of the By-law is to establish a change in zoning from "RT-10" (Townhouse) District, modified to "DE" (Low Density Multiple Dwellings) District, modified, for property located at No. 1100 Limeridge Road East, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands only for a 4 storey, 57 unit senior citizens apartment building by the MUNICIPAL NON-PROFIT (HAMILTON) HOUSING CORPORATION. In addition, the By-law provides the following variance:

- a maximum height of four storeys shall be permitted whereas normally three storeys would be permitted.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Initiative

  This initiative is being undertaken to permit development of the subject lands for a 4-storey, 57 unit non-profit senior citizens apartment building. The development would be undertaken by the Municipal Non-Profit (Hamilton) Housing Corporation.

- By-law No. 72-297

  At its meeting of November 28, 1972, City Council passed this By-law to establish a change in zoning from "AA" (Agricultural) District to "RT-10" (Townhouse) District, modified for land located on the south side of Limeridge Road in the area east of Upper Ottawa Street (see APPENDIX "B"). The effect of the By-law was to permit development of the subject lands for 123 dwelling units and to establish site plan control for the lands.

LOT SIZE AND AREA:

- 132.33 m (434.18 feet) of frontage on Limeridge Road East;
- 96.89 m (317.87 feet) of lot depth; and,
- 1.21 ha (2.98 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"RT-10" (Townhouse) District, modified
Surrounding Lands		
to the north	townhouses	"DE" (Low Density Multiple Dwellings) District, modified
to the south	Freeway Lands	"AA" (Agricultural) District
to the west	fire station	"RT-10" (Townhouse) District, modified
to the east	townhouses	"RT-10" (Townhouse) District, modified

OFFICIAL PLAN:

The lands which are the subject of this initiative are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

"A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and, further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City."

The proposed initiative does not conflict with the "RESIDENTIAL" designation.

The lands which are the subject of this initiative directly abut the East-West portion of the Red Hill Creek Expressway, for which the following policy is applicable:

"C.7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. RESIDENTIAL development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA."

The Noise Impact Assessment Regarding Mountain East/West and North/South Transportation Corridor Study done in 1980 indicates that noise levels in this area of Limeridge Road East are expected to be 63 dBA. Noise attenuation measures, to the standards of the Freeway Project Office, will be required. The initiative, upon the institution of noise attenuation measures, will comply with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The lands are designated "ATTACHED HOUSING" on the approved Trenholme Neighbourhood Plan. Approval of the initiative would require a redesignation to "LOW DENSITY APARTMENTS".

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Hamilton Region Conservation Authority;
  - Building Department;
  - Traffic Department.

- The Freeway Project Office has advised that:

  "1. The south limit of this property abuts the proposed Red Hill Creek Expressway right-of-way. As part of any development adjacent to the Freeway, we recommend that this zoning be subject to site plan approval. As part of the site plan approval, we require all on-site surface drainage to drain away from the Expressway lands.

  2. Also, for noise and visual mitigation measures, berm easements have been established for any development abutting the Freeway. As part of the approval, we require a 15 m berm easement be established in favour of the Region, so as to permit the Region, during the construction of the Expressway, to enter on the 15 m easement and construct the appropriate berm and any associated grading."

- The Hamilton-Wentworth Engineering Department has advised that:

  "There are public watermains and separate storm and sanitary sewers available to service these lands. Access details, etc. will be finalized at the site plan stage."

COMMENTS:

1. The proposed initiative does not conflict with the intent of the Official Plan.

2. The proposed initiative does not comply with the intent of the approved Trenholme Neighbourhood Plan. Approval of the initiative would require a redesignation to "LOW DENSITY APARTMENTS".

3. The proposed initiative has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan in that non-profit housing for senior citizens will be provided;

   ii) it is suitably located on a major arterial road (Limeridge Road East); and,

   iii) it would be compatible with the surrounding land uses.

4. One variance, pertaining to the height of the proposed building, has been identified.

The "DE" (Low Density Multiple Dwellings) District regulations restrict the maximum height of a building to three storeys whereas the initiative requests four storeys. The request can be supported as the increase in height is minor and will facilitate the provision of increased landscaping and outdoor areas on the site.

5. The Municipal Non-Profit (Hamilton) Housing Corporation is proposing to build a 57 unit apartment building on the subject lands. By-law No. 72-297 is applicable to: the subject lands, the adjoining townhouse development to the east, and the existing fire hall to the west. That By-law limits the number of units on all three properties to 123. The adjoining property to the east contains sixty-six townhouses leaving a balance of 57 units for the subject land, which is the same number of units proposed by the Municipal Non-Profit (Hamilton) Housing Corporation.

   The "DE" (Low Density Multiple Dwellings) District regulations permit a maximum number of units based on the lot area and a minimum standard of 140 m^2 per unit (for this size of lot). For this initiative, the existing lot area of 12,508 m^2 would permit 86 units. Given the maximum number of units established in By-law No. 72-297 is 123, of which 66 have been built, it would be appropriate to limit the number of units on the subject lands to the proposed fifty-seven units.

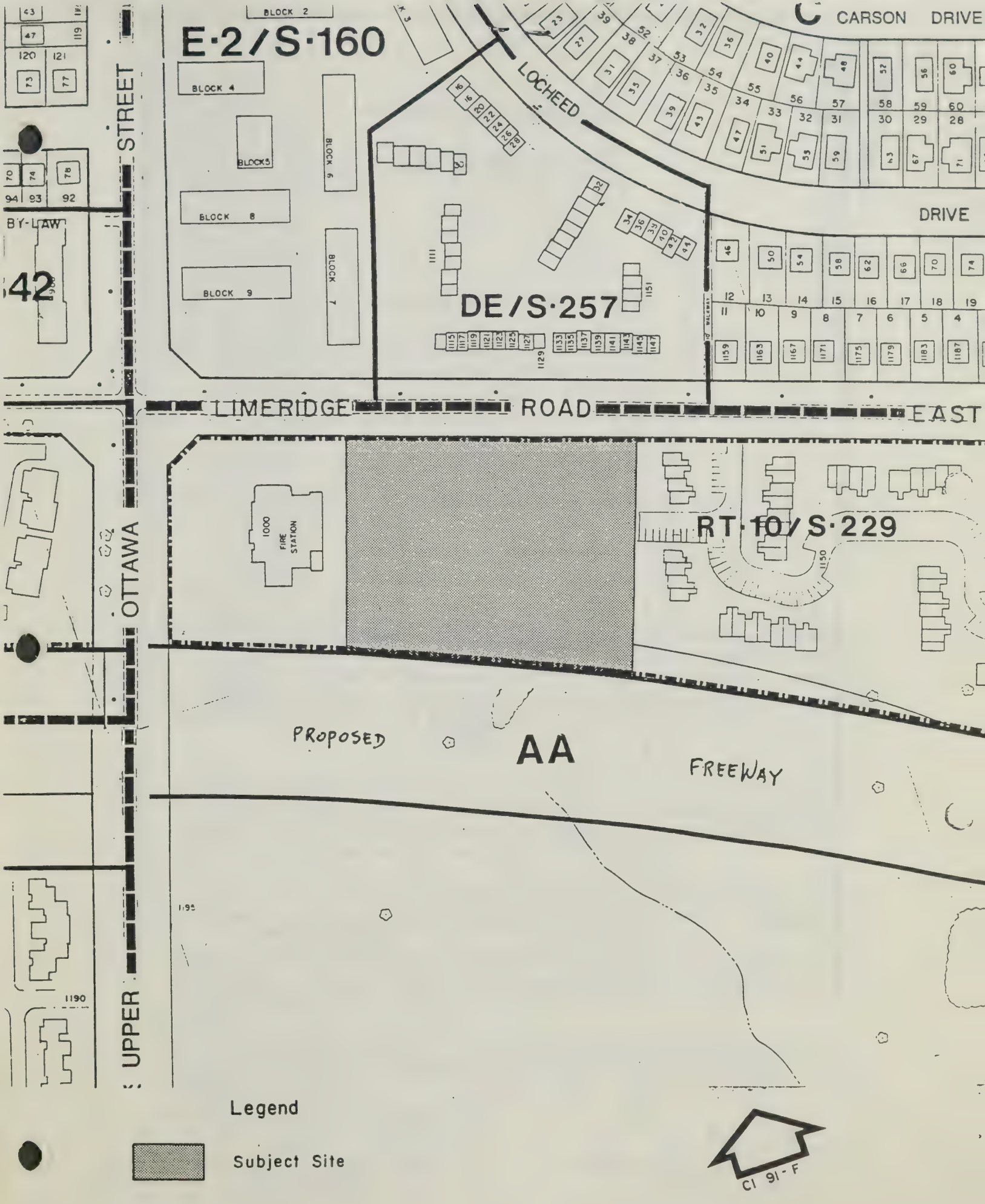
6. The "DE" (Low Density Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. Matters such as landscaping, building placement, noise attenuation, access, and parking will be addressed at that stage of development approval.

   In addition, the Municipal Non-Profit (Hamilton) Housing Corporation should be aware that a 15 m berm easement must be dedicated to the Region for the Red Hill Creek Expressway as a condition of site plan approval.

COMMENTS:

Based on the foregoing, the initiative can be supported.

MLT:ma
WPCI91F


E-2/S-160
DE/S-257
RT-10/S-229
AA
PROPOSED
FREEWAY
LIMERIDGE ROAD EAST
CARSON DRIVE
DRIVE
LOCHEED
STREET
OTTAWA
UPPER
BY-LAW
1000 FIRE STATION
BLOCK 2
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
Legend
Subject Site
C1 91-F

APPENDIX A

11/28/72

65 7

SCHEDULE "A" TO BY-LAW No.72-

PLAN
SHOWING
PART OF LOT 4, CONCESSION 7, TOWNSHIP OF BARTON
IN THE
CITY OF HAMILTON
COUNTY OF WENTWORTH
SCALE 1" = 200'

CITY OF HAMILTON
DEPARTMENT OF ENGINEERING - LAND SURVEYS

LIMERIDGE ROAD. CITY LANDS TO BE RE-ZONED.

SURVEY BY COMP. & R.D	FIELD BOOK BL. 20 P. 35	FILE No. 908-0002	DATE JAN 14 1972
DRAWN BY C. R. F	REF. DWG'S P. 703	SCALE	CHECKED BY H.S.

APPROVED _____ CITY ENGINEER & MGR OF WATER WORKS

CITY SURVEYOR _____ O.L.S.

PLAN No. NS-2085 SURVEYS

Bill No. 298

This is Schedule "A" to By-law No. 72-297 passed the 28th day of November, 1972.

THE CORPORATION OF THE CITY OF HAMILTON

City Clerk

Mayor

APPENDIX B

9

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 17
ZA-91-41
Crerar Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - No. 1158 Upper Wentworth Street.

RECOMMENDATION:

That amended Zoning Application 91-41, Tyka Investment Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit development of the subject lands for eighteen townhouse condominium units, for property located at No. 1158 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) it conflicts with the intent of the Official Plan in that it is an intrusion of townhouses into the established development pattern of small lot single-family detached homes in this area of the neighbourhood. In this regard, the proposal would contribute to an indiscriminate mix of housing types;

ii) it conflicts with the intent of the approved Crerar Neighbourhood Plan which designates the land as "SINGLE AND DOUBLE RESIDENTIAL";

iii) approval of the application would prejudice the development of the adjoining lands to the west in accordance with the draft approved plan of subdivision and the approved Crerar Neighbourhood Plan; and,

iv) approval of the application would encourage other similar applications which, if approved, would alter the character of the area and undermine the approved Crerar Neighbourhood Plan.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The applicant is seeking to rezone the subject lands "RT-20" (Townhouse-Maisonette) District to permit development of the subject lands for eighteen condominium townhouse units.

- Zoning Application 85-109

  This application was submitted to the Planning and Development Department for a rezoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for the lands fronting onto Upper Wentworth Street and to "R-4" (Small Lot Single-Family Detached) District for the interior lands, for property located at No. 1158 Upper Wentworth Street (see APPENDIX "D"). The applicants subsequently withdrew the application on March 17, 1988 as they were not able to resolve the outstanding issues which included the prohibition of access to Upper Wentworth Street and the incorporation of this proposal with the adjoining lands to the west.

- Subdivision Application 85-26 (Wentworth Courts)

  This application was submitted for a plan of subdivision of the lands adjoining No. 1158 Upper Wentworth Street along the westerly property line. The application received draft approval on April 9, 1986, at which time one block was set aside for development with the subject lands (Block 17 - see APPENDIX "C").

APPLICANT:

Tyka Investments Limited, owner.

LOT SIZE AND AREA:

The subject lands have:

- 69.797 m (229 feet) of lot frontage on Upper Wentworth Street;
- 69.027 m (226.5 feet) of lot depth; and,
- 0.48 ha (1.19 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"AA" (Agricultural) District
Surrounding Lands		
to the north	Red Hill Creek Expressway	"AA" (Agricultural) District
to the south	townhouses and single-family dwellings	"RT-10" (Townhouse) District and "R-4" (Small Lot Single-Family Detached) District
to the west	vacant	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

D.2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. ...

D.2.5 NEIGHBOURHOOD PLANS for the PLANNING UNITS will indicate the location of proposed Arterial, Collector, and Local roads; the location of community facilities such as Park areas, open spaces and School sites; the location and extent of lands set aside for Commercial or Institutional purposes; the distribution and mix of housing of varying densities; and the location and basic design of major Engineering Services and public utilities. When preparing NEIGHBOURHOOD PLANS, Council will consider the following:

i) The preferred location for new Residential development or redevelopment will be:

a) for multiple dwellings and high traffic generating uses beyond the Central Policy Area, at nodes created by the intersection of Arterial and Collector roads, with preference given to access by these roads; and, ..."

The proposal does not comply with the intent of the Official Plan in that it would contribute to an indiscriminate mix of housing type in this area of Crerar Neighbourhood. On this basis, it conflicts with the intent of Policy C.7.2. However, should the application be approved, an amendment to the Official Plan is not required, subject to an amendment to the approved Crerar Neighbourhood Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Crerar Neighbourhood Plan. Approval of the application would require a redesignation to "ATTACHED HOUSING".

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Hamilton Region Conservation Authority; and,
  - Building Department.

- The Freeway Project Office has advised that:

"1. We have no objection to the residential use proposed for Block 1 as "Urban Protected Residential", provided that all access from this development be established through the extension of Crerar Drive.

2. The access location of the proposed "RT-30" (Street Townhouse) District shown as Block 2 would be disruptive to the traffic operation of Upper Wentworth Street and the Freeway ramps. Also, the access sight distance would be inadequate for motorists egressing the proposed townhouse unit. As a result, we cannot support this development having an access via Upper Wentworth Street. All access to the Block 2 property should be maintained through the residential street to the west (Crerar Drive).

3. A 15 m berm easement should be established across the north limits of Block 1 and Block 2."

And further advised, verbally:

"On the basis that the adjoining lands to the west have a 10.7 m berm easement, we would be prepared to reduce the berm easement on this property to 10.7 m."

- The Traffic Department has advised that:

"We do not support the rezoning of Block 2 to "RT-30" as it would permit street townhouses to have frontage onto Upper Wentworth Street. At best, access to Upper Wentworth Street should only be permitted at the south end of the property via a single approach.

It is our understanding that the Freeway Office is recommending that access to this site only be permitted from a northerly extension of Crerar Drive. From a traffic perspective, this would be the preferred option. If access is to be from the Crerar Drive extension, we recommend that the entire lands (Block 1 and 2) be rezoned as a single use."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains available on Crerar Drive and Upper Wentworth Street. Separate storm and sanitary sewers are available on Crerar Drive south of the subject lands and these facilities are adequate for the proposed land use.

For your information, as part of future site plan and/or severances the owner will be required to:

a) grant the Region an easement over Part 1;

b) deed the Region a road widening along Upper Wentworth Street (Part 3 on

Plan #62R-6077);

c) enter into Regional and City service agreements; and,

d) resolve the extension of Crerar Drive."

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. However, should the application be approved, an amendment to the Official Plan is not required.

2. The proposal does not comply with the intent of the approved Crerar Neighbourhood Plan. Approval of the application would require a redesignation to "ATTACHED HOUSING".

3. The amended application cannot be supported for the following reasons:

   i) it conflicts with the intent of the Official Plan in that it is an intrusion of townhouses into the established development pattern of small lot single-family detached homes in this area of the neighbourhood. In this regard, the proposal would contribute to an indiscriminate mix of housing type, contrary to Policy C.7.2;

   ii) it conflicts with the intent of the approved Crerar Neighbourhood Plan which designates the land as "SINGLE AND DOUBLE RESIDENTIAL";

   iii) approval of the application would prejudice the development of the adjoining lands to the west in accordance with the draft approved plan of subdivision and the approved Crerar Neighbourhood Plan; and,

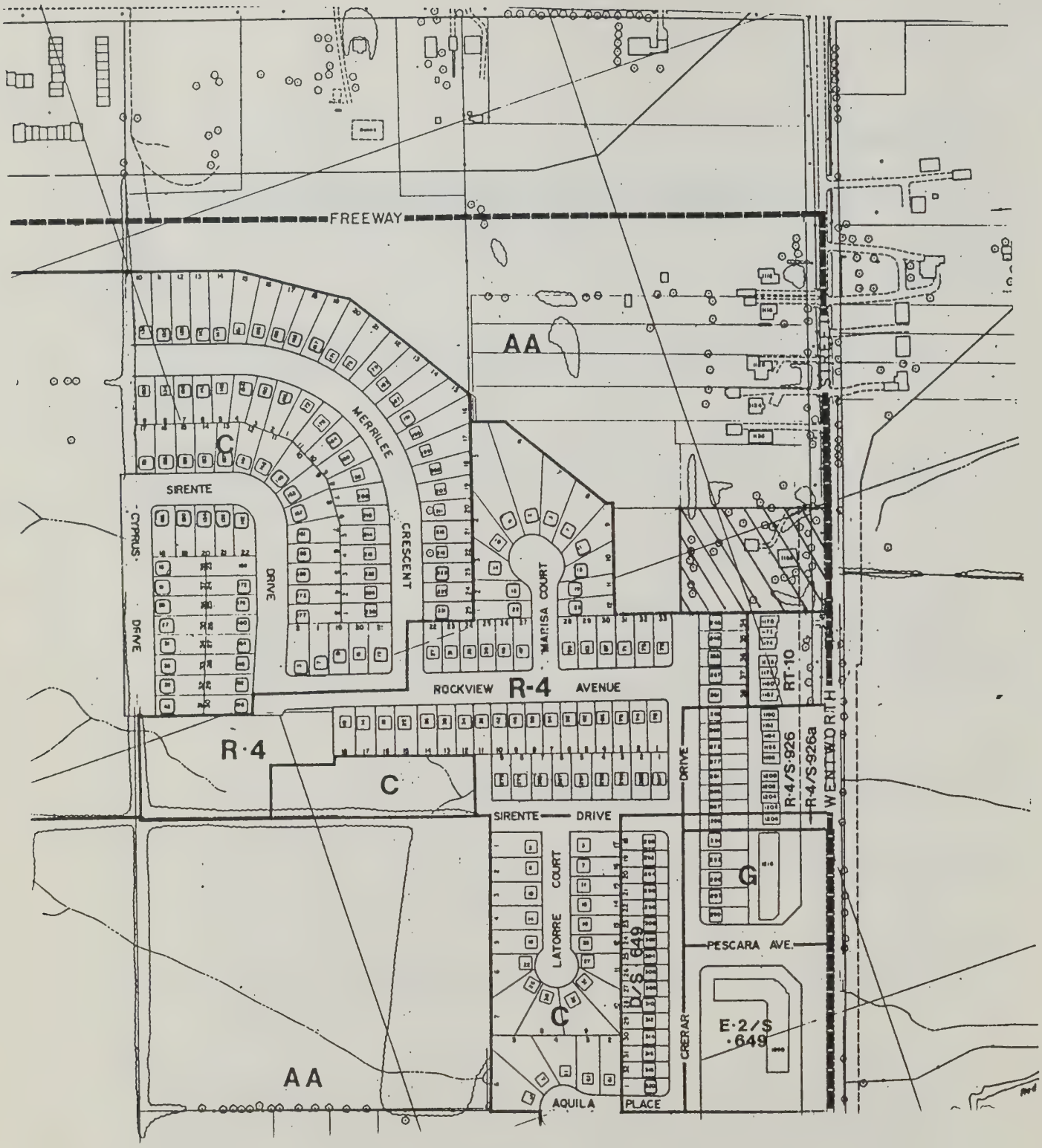
   iv) approval of the application would encourage other similar applications which, if approved, would alter the character of the area and undermine the approved Crerar Neighbourhood Plan.

4. The application, as originally submitted, was a request for a rezoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" and to "RT-20" (Street-Townhouse) District for Block "2" (see APPENDIX "B"). Discussions between Staff of the Planning and Development Department and the applicant have taken place regarding the original proposal and staff indicated that, subject to a satisfactory resolution of the issue of access, the proposal has merit. However, the applicant has chosen to amend the application to develop the entire parcel of land for townhouses only and, for the reasons stated above, the amended proposal cannot be supported.

CONCLUSION:

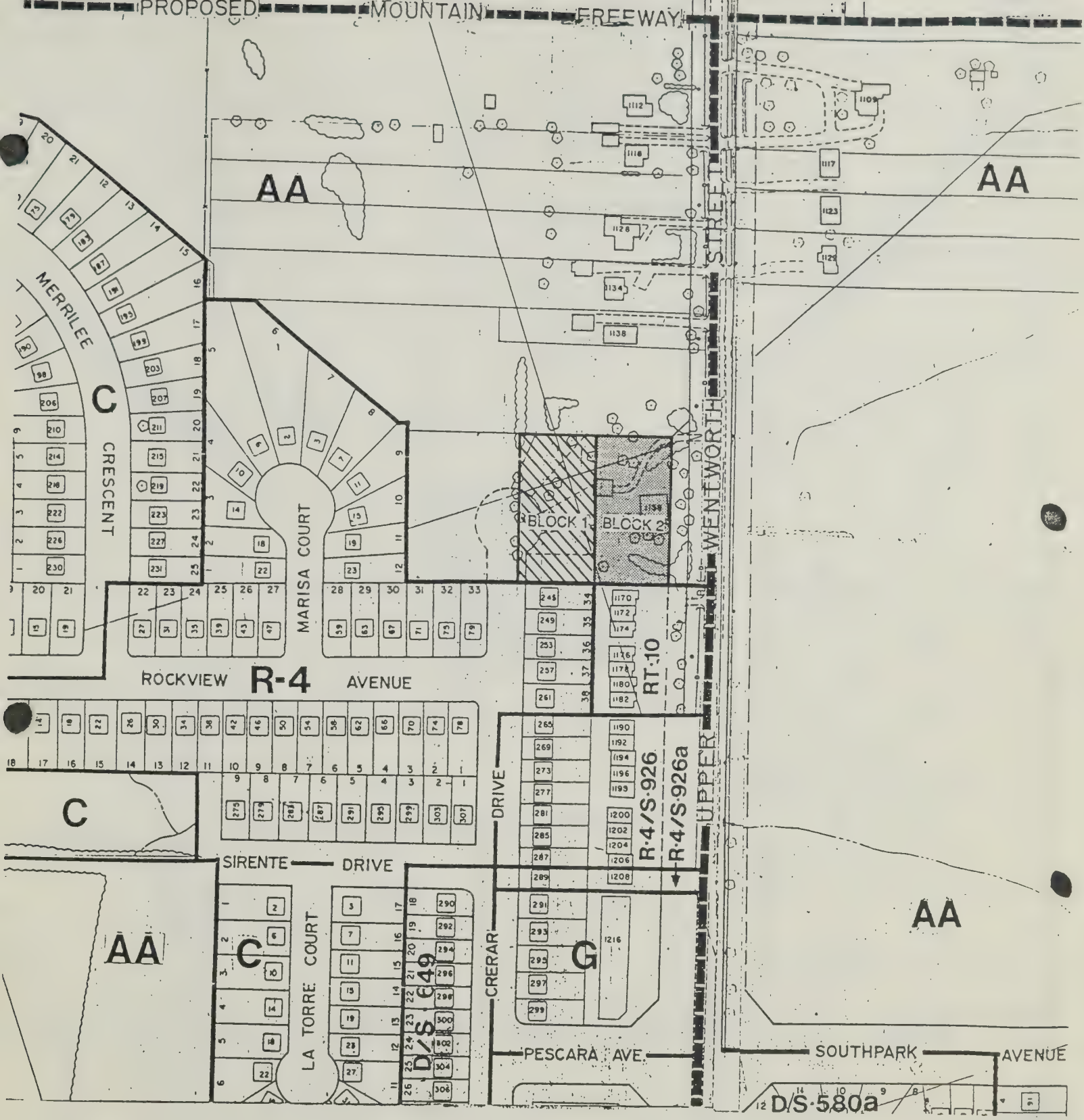
On the basis of the foregoing, the amended application cannot be supported.

MLT:ma
WPZA9141



SITE OF THE APPLICATION

APPENDIX A



LEGEND

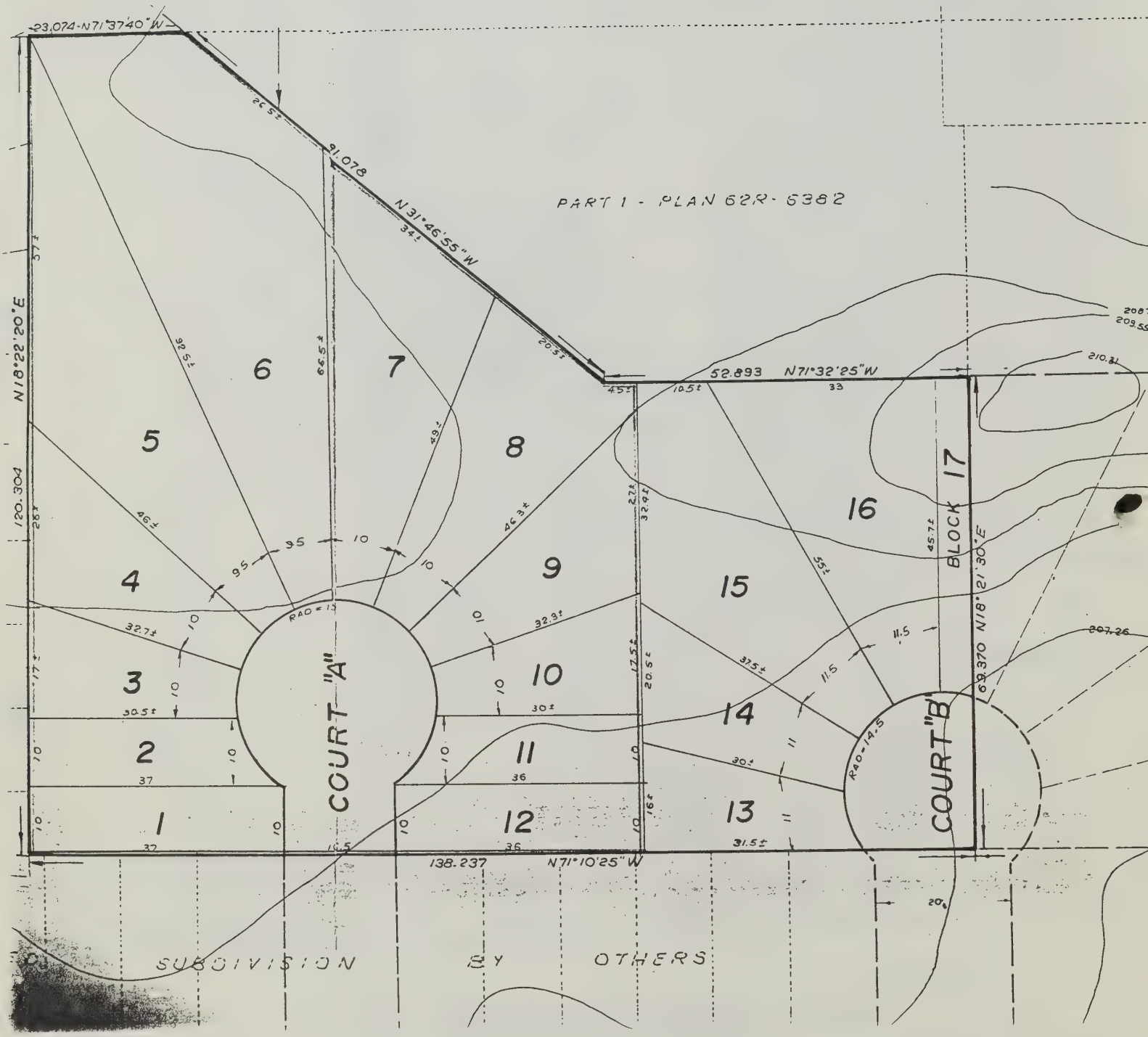
Change in Zoning From "AA" (Agricultural) District To:

BLOCK 1 — "C" (Urban Protected Residential, etc.) District

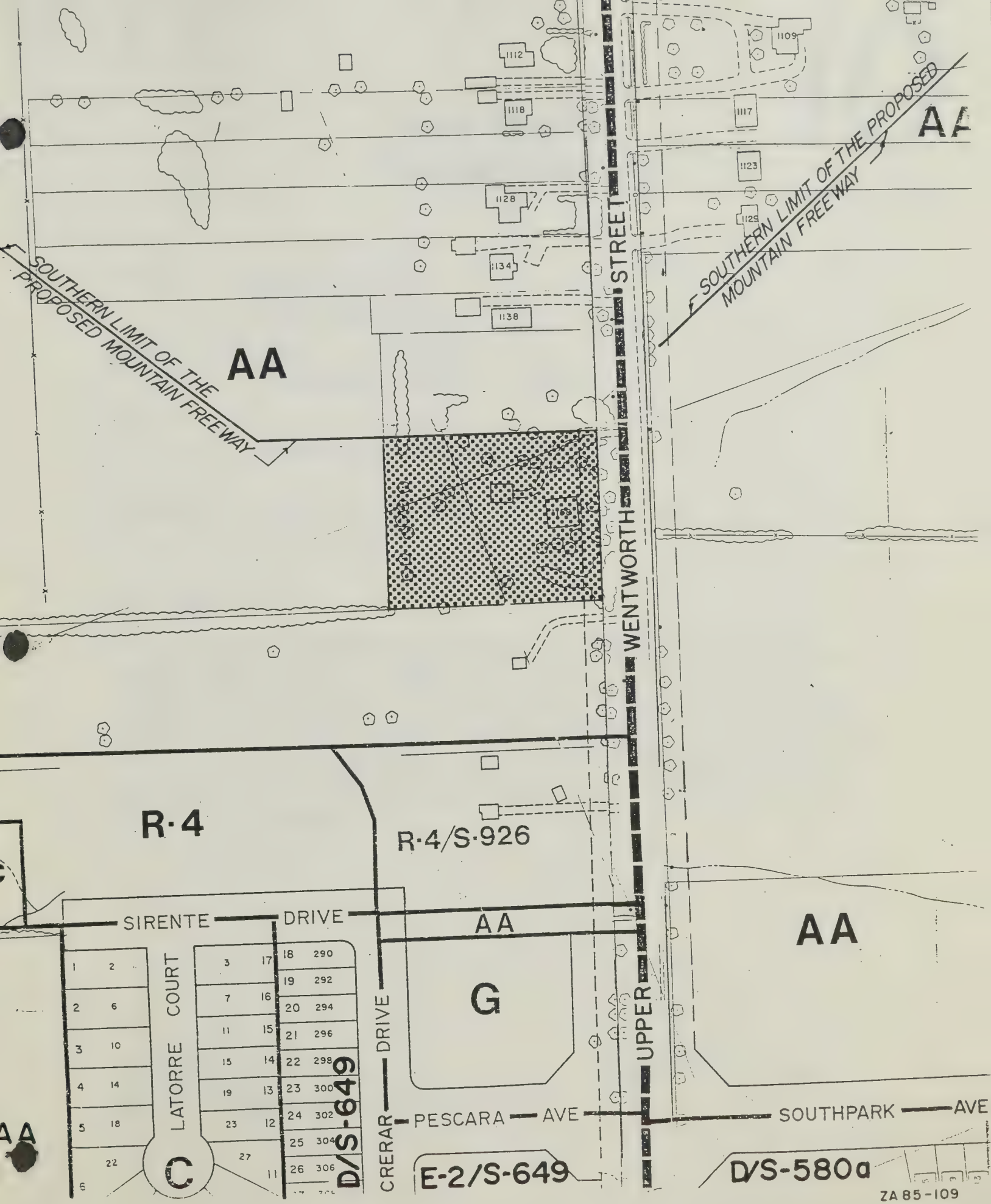
BLOCK 2 — "RT-30" (Street-Townhouse) District.

ZA 91 - 41

APPENDIX B


23.074-N71°37'40"W
91.078
N31°46'55"W
PART 1 - PLAN 62R-5382
N18°22'20"E
120.304
52.893 N71°32'25"W
BLOCK 17
69.370 N18°21'30"E
COURT "A"
COURT "B"
138.237 N71°10'25"W
SUBDIVISION BY OTHERS
1
2
3
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16

APPENDIX C



LEGEND:

SITE OF THE APPLICATION

APPENDIX D

ZA 85-109

10

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 16
ZA-91-43
Central Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - No. 145 MacNab Street North.

RECOMMENDATION:

That amended Zoning Application 91-43, Hamcon Co-operative Housing Services, prospective owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit development of the subject lands for a 7 storey, 100 unit non-profit housing apartment building, including a health care centre of 70 m^2 (750 square feet), a meeting room of 185.8 m^2 (2,000 square feet), and offices of 111.5 m^2 (1,200 square feet), as shown on the attached map marked as APPENDIX "A", be **TABLED** pending the submission of a soil study and decommissioning plan to the satisfaction of the Ontario Ministry of the Environment.

J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department

A.L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant is proposing to build a seven storey apartment building containing 100 non-profit housing units (see APPENDIX "B"). The building is proposed to contain a health care centre of 70 m^2 (750 square feet), a meeting room of 185.8 m^2 (2,000 square feet), and offices of 111.5 m^2 (1,200 square feet). A total of 100 parking spaces are to be provided of which twenty will be located on the surface of the property and eighty located in an underground parking structure.

APPLICANT:

Hamcon Co-operative Housing Services, prospective owner.

LOT SIZE AND AREA:

The subject property is irregular in shape and has:

- 56.58 m (185.63 feet) of lot frontage on MacNab Street North;
- 35.36 m (116 feet) of lot frontage on Cannon Street West; and,
- 0.48 ha (1.19 acres) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant building (former Robinson Cone Factory)	"H" (Community Shopping and Commercial, etc.) District
Surrounding Lands		
to the north	one and two family dwellings and commercial	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District

to the south	one family dwellings and commercial	"L-c" (Planned Development - Commercial) District
to the west	mixed residential/commercial, attached housing, and one family dwellings	"H" (Community Shopping and Commercial, etc.) District
to the east	one family dwellings, attached housing, and industrial	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept. The following policies, among others, are applicable:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan; and,

ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7.

A.2.2.29 Any structure containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions:

i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;

ii) Prior to any approval for proposed COMMERCIAL / RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;

iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas;"

The proposal does not conflict with the intent of the CENTRAL POLICY AREA policies.

The subject lands are also located within SPECIAL POLICY AREA 3, for which the following are applicable:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii):

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives

to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;"

Subject to satisfying the provisions of Policy A.2.9.3.1, the proposal would not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "COMMERCIAL" on the approved Central Neighbourhood Plan. Approval of the application would require a redesignation to "COMMERCIAL AND APARTMENTS".

COMMENTS RECEIVED:

- The following agencies have no comment or objection:

  - Hamilton Region Conservation Authority; and,
  - GO Transit.

- The Traffic Department has advised that:

  "Please be advised that we have reviewed the above-noted application and find it to be satisfactory provided that the parking and loading requirements, as per the Zoning By-law, can be accommodated on-site.

  The applicant should be advised of the following concerns regarding the preliminary site plan.

  1. The required parking spaces are to be 2.7 metres x 6.0 metres with a manoeuvring area of 6.0 metres. The parking spaces shown on the site plan measure 5.5 metres in length.

  2. Vehicles exiting from the underground parking ramp will block the path of vehicles entering the site from Cannon Street resulting in an unacceptable interruption in the flow of traffic on Cannon Street. We recommend that the applicant consider relocating the exit to the underground parking garage to avoid any conflict. We require a plan of the underground parking area. Grades of the parking ramps should be included on the drawing.

  3. The loading space in this location will require trucks to back out onto MacNab Street. We recommend that the loading space be redesigned to allow trucks to run around on-site or drive through the site and exit onto the road allowance properly.

  Given the above concerns, it may be appropriate to delay passage of this By-law amendment application until the circulation and approval of a site plan for the project has been finalized."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands. The following comments apply to the preliminary site plans and do not affect the zoning.

The designated road allowance width of Cannon Street West is 26.21 m. As a condition of approval a road widening of approximately 3.26 m in width is to be dedicated to the Region along the entire frontage of this development. All setbacks are to be taken from the widened limits.

According to our records, there is a house immediately to the west and east of the property lines on Cannon Street West built to the existing street line and visibility past these buildings is limited.

Furthermore, the ramps from the underground parking garage at the Cannon Street access will create congestion at the access and this area must be redesigned and resubmitted for our review and approval. The access to Cannon Street should be moved at least 5 to 6 metres easterly depending on the final design to provide some clearance between the dwelling units to the west and the municipal sidewalk for motorists exiting this lot.

The grades of the access in the road allowance are not to exceed 2% and 5% for the first 7.5 m on private property.

With respect to landscaping, we require 5 m x 5 m daylight triangles between the access edge and the respective road allowance limits as widened in which the height of any object or mature vegetation is not to exceed a height of 0.60 m above the perpendicular centreline elevation of the respective streets. It may be appropriate for the applicant to meet with the Traffic and Engineering Departments to address these concerns."

- The Building Department has advised that:

"Note: MacNab Street North is considered the front lot line. The lot line having bearing N 18°43'12"E, 15.527 m is considered the rear lot line. All other lot lines are considered side lot lines.

1. The minimum required yards are as follows:

Front Yard:	7.5 m
Rear Yard:	10.5 m
Side Yards:	
North and South	11.3 m
East and West	10.5 m

It appears that none of the side yards will conform.

2. A 100 unit multiple dwelling requires a minimum 100 parking spaces and 1 - 3.7 m x 18.0 m x 4.3 m loading space.

3. The actual lot area (excluding road widenings) is required to determine maximum gross floor area and minimum landscaped area. It appears that the gross floor area will exceed.

4. The parking spaces and manoeuvring spaces at grade do not conform to minimum requirements.

5. A manoeuvring space and loading space are required to be provided on site.

6. No underground parking layout has been submitted to determine compliance of the parking requirements.

7. All uses listed as amenity area must be accessory to the multiple dwelling. Offices and Health Care uses are considered commercial uses and are not permitted. Additional parking would be required.

8. The access driveway must be 3.0 m from the residential "D" District to the north and west lot lines.

Further comments regarding this development will be provided at the time of the Site Plan Control application."

- The Ministry of the Environment has verbally advised that:

"The former industrial use is the Robinson Cone Factory. Candy and cone manufacturing use coolant in the process to harden the candy products. Should this coolant be present in the soil, it could pose a health risk to future residents. In addition, there may have been PCB's present due to the previous transformers on the site. On this basis, decommissioning of the site will be required."

- The Law Department has advised that:

"It is quite possible that someone could sue the City of Hamilton if the rezoning is granted and the soil is contaminated. The City should be very diligent in examining any proposal to redevelop former industrial or landfill sites. A subsequent owner, mortgagee, or other interested party could argue that the City knowing this was a former industrial site, should not have approved the rezoning without asking for at least a soil test. If the City has actual knowledge of the contaminant, then further measures would be necessary before the site should be rezoned. Due to the serious liability issues and the cost involved in cleaning up a site, the application should be tabled until the soil test is completed and the nature of the contamination is known."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal does not comply with the approved Central Neighbourhood Plan. Approval of the application would require a redesignation to "COMMERCIAL AND APARTMENTS".

3. The concept has merit for the following reasons:

   i) it implements the intent of the Official Plan in that affordable housing (approximately 100 units) will be provided in close proximity to the downtown core;

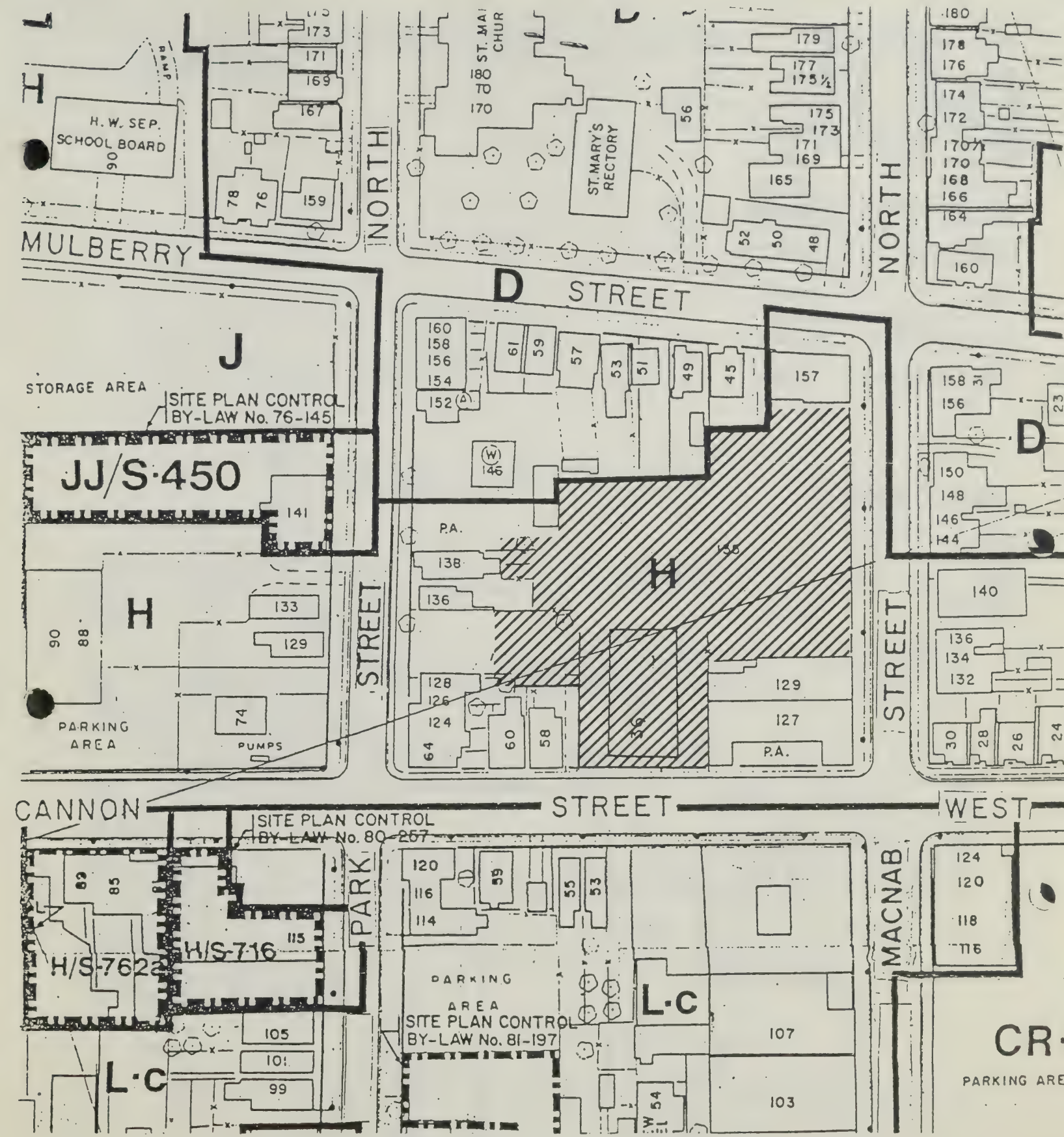
   ii) it is suitably located in terms of public transit, access to services, proximity to commercial shopping areas, and proximity to social and recreational amenities.

   Notwithstanding the above, the application is considered premature at this time as the Ministry of the Environment has advised that there are outstanding concerns regarding soil contamination on this site, which the applicant must address. Further, the Law Department has advised that the municipality may be liable should any development proceed on contaminated soil. Therefore, it would be appropriate that the applicant address the issue of soil contamination prior to the City proceeding with the application for rezoning. Tabling the application at this time will also allow the applicant to submit revised concept plans which address the variances and concerns identified by the Building, Traffic, and Engineering Departments.

CONCLUSION:

On the basis of the foregoing, the amended application should be tabled pending the submission of a soil study and decommissioning plan to the satisfaction of the Ontario Ministry of the Environment.

MLT:ma
WPZA9143



Legend

Site of the Application

ZA 91-43

APPENDIX A

SITE ANALYSIS

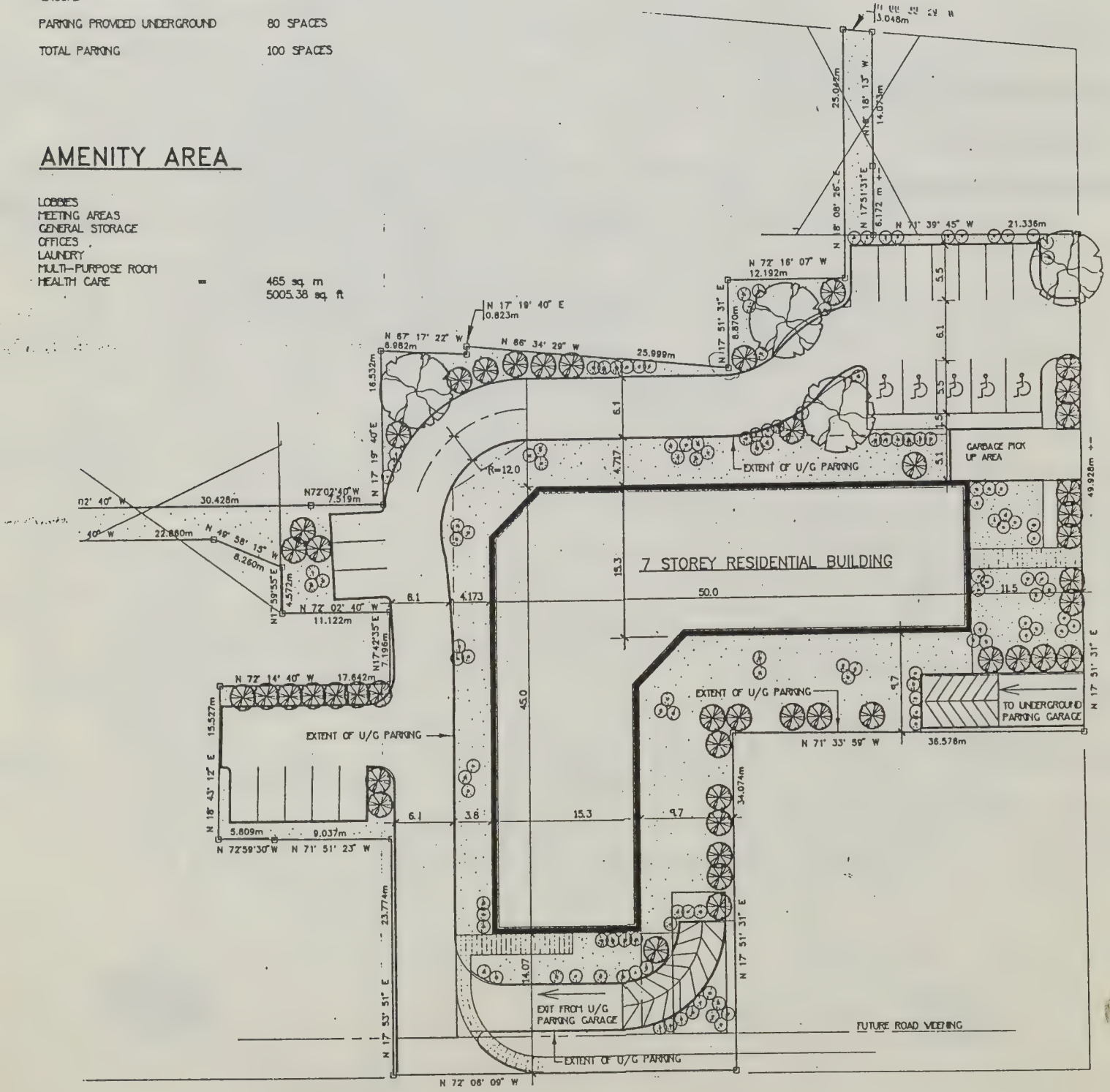
APPENDIX B

CURRENT ZONING	"E" modified	
TOTAL SITE AREA	4900 sq. m APROX. 1.21 acres	
TOTAL BUILDING AREA AND COVERAGE	1219.41 sq. m 13126.05 sq. ft	= 24.89 %
GROSS BUILDING FLOOR AREA	8535.87 sq. m	
BUILDING HEIGHT	20.0 m	
TOTAL PARKING / DRIVE AREA AND COVERAGE	1511.53 sq. m 16270.51 sq. ft	= 30.84 %
LANDSCAPE / SIDEWALK AREA AND COVERAGE	2169.06 sq. m 23348.33 sq. ft	= 44.27 %

PARKING:	PARKING:
MINIMUM PARKING REQUIRED PER UNIT =	1.00 SPACES
PARKING PROVIDED ABOVE GROUND	20 SPACES
PARKING PROVIDED UNDERGROUND	80 SPACES
TOTAL PARKING	100 SPACES

AMENITY AREA

LOBBIES
MEETING AREAS
GENERAL STORAGE
OFFICES
LAUNDRY
MULTI-PURPOSE ROOM
HEALTH CARE = 465 sq. m
5005.38 sq. ft



"Copy sent to Alex Georgieff, Director of Local Planning and Patrice Noé Johnson, City Solicitor - Law Department - 1991 October 15th".

10a

RECEIVED

OCT 15 1991

CITY CLERKS

October 10, 1991

The Corporation of The City of
Hamilton
Planning and Development Committee
71 Main St. W.
Hamilton, Ontario

Attention: Charlene Coutts, Secretary, Planning and Development Committee

Dear Ms. Coutts,

Re: Change in Zoning from H to E/Proposed Development
7 Storey 100 Unit /145 Mac-Nab N. ZA-91-43

Enclosed please find a petition opposing the proposed development and zoning change from the residents of Mac-Nab N, Mulberry, Park, Severn, Colborne, Sheaffe, Cannon W as well a map of the area, indicating owner-occupied properties.

On August 7/91 a inital letter (enclosed) was sent to Ward 2 Alderman McCulloch and Alderman Agro and to all councillors of the remaining wards.

This present "2 acre eyesore" situated 3 small blocks north of millions of dollars of prime development and city planning strategy must be throughly scrutinized. The question that should be most prevelant is;
How can this parcel of land be used so as to enhance the city and maintain a level of balance within this area?

FACT	CONSIDERATION
Presently H Commercial	- Vehicle Traffic Moving West on Cannon, North on Mac-Nab N. , James - Moving West on Mulberry, Park N. Moving East to Mac-Nab N. - Vehicle Traffic has escalated considerably, - due to Jamesville, Super

Block (Eaton Centre, Stelco Tower), more immigration.
- Commerical zoning H on this parcel of land must accommodate the traffic flow.
- The present street scaping on one of the oldest streets in Hamilton is not wide enough to cater to 90's plaza/mall
- If entrance is made via Cannon W on this land,the busy constant flow of Cannon W will cause unnecessary traffic congestion.

PROPOSED ZONED TO E

- If proposed 7 storey 100 Unit /Health Care is permitted
- Vechicle Traffic compounded with people density will intensify this already congested area.

PROPOSED DEVELOPMENT
100 UNIT 7 STOREY (NON-PROFIT)

- The "inner city" in particular the borders of the downtown core, should be planned and developed in manner so as not to create " concrete jungles."
- To "people intensify" in the inner city is of no benefit.

1. city at large - within a period of time (5? 7? 10? years) minor slums arise. There are no advisory boards, no city departments no social agency that can fully control human behaviour in our free society.

2. residents of non-profit buildings - the best and fairest concept to collective aid for housing, the recipient of

social assistance and low-income earners is the designation of buildings/townhouse, hopefully for a limited period of time. These accommodations do create a fraternity feeling. In the negative the "high rise building" in the "inner city" does cause an inferiority complex in some of the residents, in retrospect at times causing repetitive generations of social assistance recipients. Although , when the same type building is located outside the inner city that is to say away from older buildings, away from conjested streets, away from vehicle traffic, the residents have a more profound "joie de vivre" (joy of living). In the Hamilton-Wentworth area in particular the City of Hamilton, "our mountain" to some is the social climb in status. The cleaner air , the wider streets, the landscape have a definite uplift. The above premise can be attributed to a resident of a low-income non-profit housing project presently living on the mountain. Social Studies by experts in this field and city planners in major cities have affirmed this study.

3. surrounding residents of this proposed project - these (streets) in Central Hamilton are the oldest in the City. The homes in this area have always been owner-occupied, some perhaps modest but never run-down. Presently, and as it has always been this area does have a hearty hustle and bustle of people traffic and due to more cars on the road, there is more vehicle traffic commuting. This IS the heartbeat of Downtown Hamilton.

SOLUTION	CONSIDERATION
Change Zoning to DE (Low Density, Multiple Dwelling)	- A Seniors Building is presently proposed by the Municipal Non-Profit (Hamilton) Housing Corporation at Limeridge/Upper Ottawa. - I personally am not familiar with procedure of the City Planning and Development and what it fully entails. - Surley, a Seniors Building 4 Storey 57 Unit would be more ideal in the Mac-Nab/Cannon area rather than the intersection of Limeridge/Upper Ottawa.

Where as a long-time resident or newcomer to Hamilton, would you prefer to live, if you were a Senior?

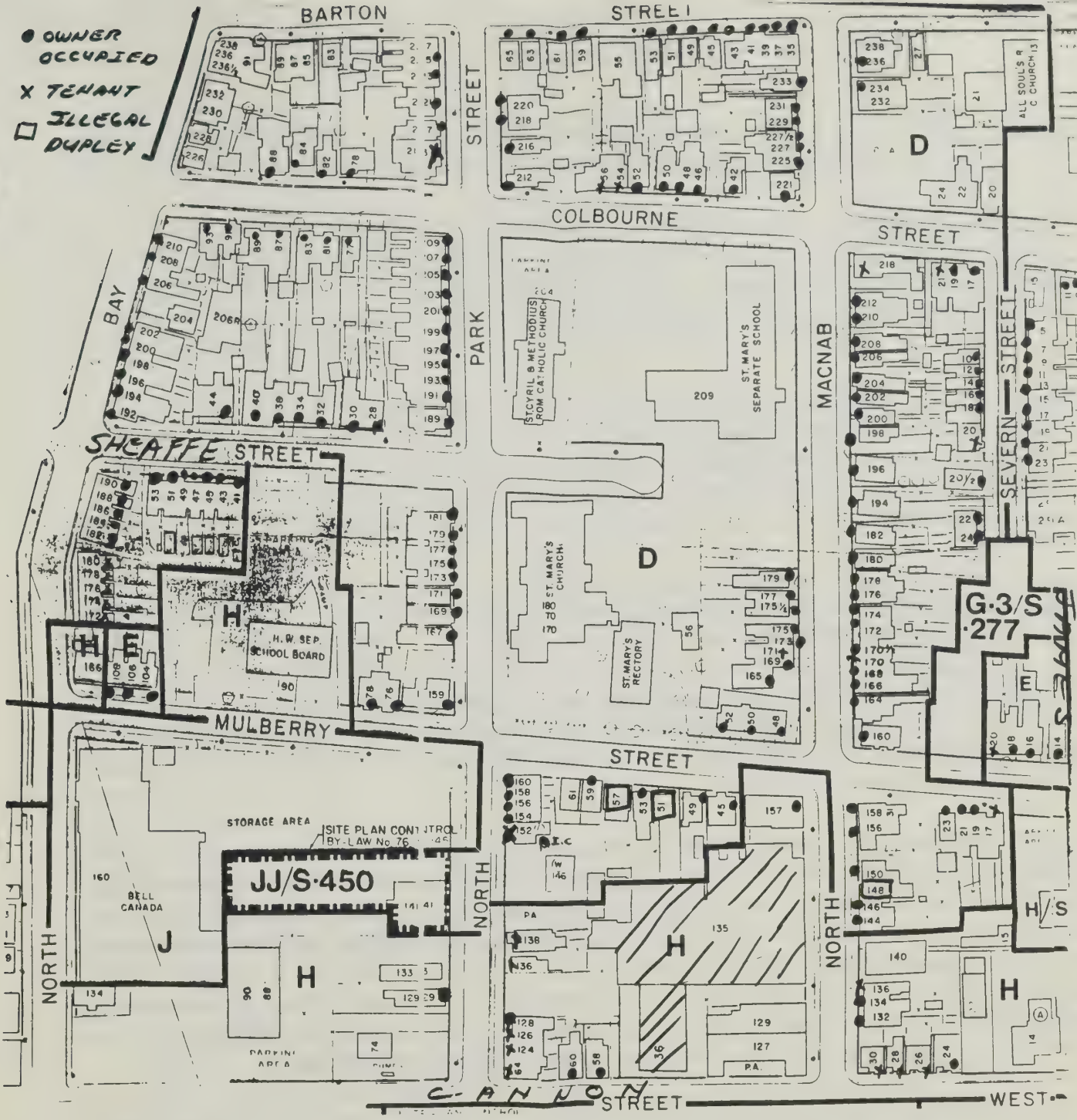
MAC-NAB /CANNON	LIMERIDGE/UPPER OTTAWA
1.walking distance to Hamilton Market, Eatons and Super Block.	1.busing to Limeridge Mall and all other amenities.
2.walking distance to City Hall, Hamilton Place, Copps.	2.next to fire station
3.walking distance to downtown restaurants, Kresges.	
4.walking distance to Roman Catholic Churchs, Anglican Presbyterian, Baptist.	
5.Bus-Stop, Cannon/Mac-Nab Mac-Nab/Mulberry, transfer to all downtown routes. Access to all Hospitals.	
6.clean owner-occupied neighbourhood.	

Ms. Coutts hopefully the considerations and wishes of the long-standing residents of this older and proud area of our city be studied further, not for any personal gain, or insensitivites but in the best possible planning for the City of Hamilton, so as to be proud of all areas old and new.

Sincerely,

Rose Seminara

c.c. Alderman Bill McCulloch , Ward 2
Alderman Vince Agro, Ward 2
Mayor R.M.Morrow, Mayor


● OWNER OCCUPIED
X TENANT
□ ILLEGAL DUPLEX
BARTON STREET
COLBOURNE STREET
BAY
PARK
MACNAB
SEVERN STREET
SHEAFFE STREET
MULBERRY STREET
NORTH
CANNON STREET WEST
ST. CYRIL & METHODIUS ROM CATHOLIC CHURCH
ST. MARY'S SEPARATE SCHOOL
ST. MARY'S CHURCH
ST. MARY'S RECTORY
ALL SOUL'S R C CHURCH
H.W. SEP. SCHOOL BOARD
BELL CANADA
STORAGE AREA
SITE PLAN CONTROL BY-LAW No. 76
JJ/S-450
G-3/S-277
PARKING AREA
P.A.

August 7, 1991

The Corporation of
The City of Hamilton
71 Main Street West
Hamilton, Ontario

Attention: **Ward 2**
Alderman Bill McCulloch
Alderman Vince Agro

Gentlemen,

Re: 7 storey 100 Unit / Health Complex
145 MacNab Street North

In regards to the area north of Cannon West, west of James North to Barton West (MacNab, Mulberry, Sheaffe, Park, Severn, Colborne). This downtown area, which has been home to diverse backgrounds from Irish, Hungarian, to the present sprinkling of Portuguese and Chinese, to still the most prominent Italians.

Each of these past and present property owners has contributed or improved his humble abode. Clearly making this "stone throw" from Downtown Hamilton a decent, clean place to live and raise their families. Some of these homes may be considered modest compared to the southwest area of the city, but they have been well preserved due to the fact that they have on the most part been owner-occupied. At this point in time, it is truly a pleasure to be part of this neighbourhood. To be located in the heart of a downtown, in a major "city" and still have a neighbourhood is quite a feat. Today this area should not be interpreted as "Ellis Island"; the new property owners in these areas have paid a "good dollar" for their homes.

Why has this Non-Profit Organization chosen this area to build a 7 storey 100 unit and Health Complex? Perhaps, we are ignorant in what and how a Non-Profit Organization functions, and would like to have this explained further. We are assuming that they are accomodations funded by the Government, for recipients of social assistance and low income earners.

As it is well known, the apartment buildings at John, Hughson/Robert have caused, for lack of a better word, a ghetto atmosphere east of the James area. This proposed magnitude of a building will have the same effect on this site. Health Complex? Will the Health Complex cater exclusively to the tenants that will be residing in this complex, and all New Canadians to the City of Hamilton at large. The apartments at Hess, York/Queen which are predominately low-income have caused a similar atmosphere. This proposed site in the central downtown core with the John Robert/Hughson apartments east of James and the York, Hess/Queen west there will be three major low-income apartments, 3 blocks north of the Eaton Centre, Copps, Jackson

Square, Standard Building, Sheraton Hotel. The building of this Non-Profit type building within such close proximity to other low-income apartment buildings will create a catastrophe.

Truly, this is said without prejudice but unfortunately all the apartment buildings that have been built north of the city have been plagued with rowdiness, vandalism and filth (Marina Towers). This 7 storey 100 Unit/Health Complex will be too much, "population density" in a downtown core/neighbourhood, obviously the tenants will have children in the complex, will facilities be provided for the children in the complex? or are they to play on the street.

Surveys have indicated that there are more older people presently in need of housing and assistance. This location would be ideal for Seniors Building, it would be centrally located, close to all amenities, close to all churches. The Rebecca-King Wm. project (TownsView) is to my understanding geared to "higher income' seniors, but a "low-income" seniors building at this site would be a great location for the much needed accommodation for our Hamilton seniors.

This site must be developed, however proper research must take place in order to insure the best possible development for this prime visible downtown location. The Portuguese Non-Profit Organization must come to some mutual terms with the long-standing residents of this community who are determined to maintain the social and economic character of this are. As of this date no formal letter from the City of Hamilton indicating detailed plans has been sent to the residents of this area. A sign was posted on the site Saturday, August 3/91.

Sincerely,

Rose Seminara
on behalf of concerned residents of
MacNab/Mulberry/Severn/Sheaffe?Park/Colborne/Cannon W.

c.c. Mayor Robert M. Morrow
Councillors Ward 1, Ward 3,
Ward 4, Ward 5,
Ward 6, Ward 7

Area Residents; ZA-91-43
Petition against the proposed development and zoning of subject land (145 Mac-Nab for a 7 storey 100unit Apt. Building (Non-Profit), including Health Complex

NAME (PRINT)	ADDRESS	SIGNATURE
		PAGE 11 OF 4 PAGES
CALOGERO AGRO	184 MAC NAB N	Agro Calogero
ARMANDO GAROFALO	165 mac Nab st. N.	Armando Garofalo
ISABELLA GAROFALO	165 MAC NAB. ST. N.	Isabella Garofalo
Luana GAROFALO	165 MAC NAB St. N	Luana Garofalo
ELEANOR VLAJKOV	174 MAC NAB St N.	Eleanor Vlajkov
STEVE P. VLAJKOV	174 MACNAB ST N	S Vlajkov
JOSIE BRUCCULERI	179 MAC NAB N	J Bruccaleri
Salvatore & Pina Bruculeri	179 Mac Nab N.	S Bruculeri
Maria Miranda	177 macnab st north	Mmiranda
Ermelinda Simões	177 macnab St NORTH	ERMELINDA SIMOES
RINA SALVI	65 CANNON ST. W.	R Salvi
NANCY TAZZARI	55 CANNON ST. W.	N. Tazzari
Sferrazza Papa Charles	114 PARK ST N	SFERRAZZA. PAPA. CHARL.
SFERRAZZA. PAPA. ADELE	114 PARK ST N	Adele Sferrazza Papa
Gregory Dalia	225 MAC NAB ST. N.	Gregory Dalia
Josette Roque	24 Severn St N.	Josette Roque
Mario Roque	24 Severn St N.	Mario Roque
MARIA ROQUE	22 SEVERN ST. N.	Maria Roque
MANUEL NAVO	22 SEVERN ST. N	Manuel Navo
MARIA COUTO	26 SEVERN ST. N	Maria Couto
Marjorie Linda	111 Severn St N.	Connie Linda Marjorie
D. MARTIN	12 SEVERN ST N.	D. Martin
ADELE ARISTORO	10 SEVERN ST N	Adele Aristoro
SANTO ARISTORO	10 SEVERN ST N	Santo Aristoro
JOE MEDEIROS	5 SEVERN	Joe Medeiros
J. VOLPATO	17 COLBOURN ST	J. Volpato
C. Esposto	9 Severn St	C Esposto
E. Esposto	9 Severn St	E Esposto
L. Esposto	9 Severn St	L. Esposto
NICK ANTONIO LEE Nicola Antonelli	7 SEVERN ST	Nicola Antonelli
G. LO SARDO	11 SEVERN	G. Lo Sardo
C. LO SARDO	11 SEVERN	C. Lo Sardo
C LENTINI	13 SEVERN.	C. Lentini
D LENTINI	13 SEVERN	D Lentini
MARIA OLIVEIRA	15 Severn St	Maria Oliveira
Giuseppe Dalia	225 Mac Nab ST. N.	Giuseppe Dalia
Lucia Dalia	225 Mac Nab ST. N.	Lucia Dalia
ANGELA MACALUSO	227½ MAC NAB ST. W.	Angela Macaluso
MYRTLE SICURELLA	212 MCNAB ST. N.	Mrs. M. Sicurella

Area Residents;

ZA-91-43

Petition against the proposed zoning development of subject land (145 Mac-Nab N) for a 7 STOREY 100UNIT Apartment Building (Non-Profit) Building including 465 m2 (5,005.38 Sq. Ft.) Health Care Complex.

NAME(PRINT)	ADDRESS	SIGNATURE
PAT SEMINARA	122 Park N.	Pat Seminara
Kathleen Seminara	122 Park N	Kathleen Seminara
FAUSTO BERTONE	150 MACNAB ST N	Fausto Bertone
CONCETTA BERTONE	150 MACNAB ST N	Concetta Bertone
SILVANA MARTORELLI	176 MACNAB ST N	Silvana Martorelli
NICOLINA MARTORELLI	176 MACNAB ST N	Nicolina Martorelli
CURTIS BESNER	136 MACNAB ST N.	Curtis Besner
Elaine Besner	136 MacNab St N	Elaine Besner
GRAZIA CAMPANELLA	132 MACNAB ST N	Grazia Campanella
GIUSEPPE CAMPANELLA	132 MACNAB ST N	Giuseppe Campanella
VINCE VARALJAI	168 MACNAB ST N	Vinc Varaljai
SAM CAMPANPANELLA	156 MACNAB ST N	Sam Campanella
MARLEY CAREY	175 MACNAB ST. N.	
C. BARTOLOTTA	21 MULBERRY ST.	C. Bartolotta
M. DiLiberto	19 MULBERRY ST	M. Diliberto
A DiLiberto	19 mulberry St	Angela DiLiberto
Anna Vavallo	18 MULBERRY	ANNA VAVALLO
NICOLA VAVALLO	18 MULBERRY	Nicola Vavallo
Artur Sarasaudo	20 MULBERRY	ARTUR Sarasaudo
Maria Sarasaudo	20 MULBERRY	Maria Sarasaudo
Antonio Pereira	20 Mulberry St.	Antonio Pereira
Maria Pereira	20 Mulberry ST	Maria Pereira
DAC-SINH-CHU	164 MACNAB ST. N.	D Chi
THE-HA-CHU	1164 MACNAB ST. N.	Thetta Chu
M. VARALJAI	168 MACNAB. ST. N.	M. Varaljai
A. Mattina	172 MACNAB ST. N	Antonio Mattina
S Mattina	172 MACNAB ST N	A. Mattina
M. CURTO	176 MACNAB N	Chiara Curto
C. MATTELIANO	178 Mac Nab	C. Matteliano
L. BARBIERI	182 MACNAB	L. Barbieri
F. SYLVESTER	196 MacNab	F Sylvester
P CICERO	198 Mac Nab N	P Cicero
SANDRA AUGUSTO Sandra Augusto	200 Mac Nab St	Sandra Augusto
D. PAPARO	202 MACNAB N	D Paparo
PETRA IPPOLITO	204 MACNAB N	Petra Ippolito
ANIBAL FERREIRA	173 MACNAB N	Anibal Ferreira
MARIA FERREIRA	173 MACNAB N	Maria Ferreira
MARIETTA AGRO	169 MACNAB N	Maria Agro

Area Residents zoning ZA-91-43

Petition against the proposed development of subject land (145 Mac-Nab N) for a 7 STOREY 100 UNIT Apartment Building (Non-Profit) including 465 m2 (5,005.38 sq. ft.) Health Complex.

NAME(PRINT)	ADDRESS	SIGNATURE
ROSE SEMINARA	48 MULBERRY ST	Rose Seminara
PINA LOSAK	156 Park St N.	Pina Losak
JOSEPH LOMBARDO	59 MULBERRY	J Lombardo
ANTONIZETTA LOMBARDO	59 MULBERRY	A Lombardo
CHARLES LOMBARDO	59 Mulberry St.	Charles Lombardo
VINCE LOMBARDO	59 Mulberry St.	Vince Lombardo
C. GIGLIA	158 PARK ST. N.	C Giglia
B. GIGLIA	158 PARK St N.	B. Giglia
GUISEPPINI GAGLIARDO	171 PARK ST N	Giuseppina Gagliardo
IGNAZIO GAGLIARDO	171 PARK ST N.	Ignazio Gagliardo
RICHARD CORBETT	175 PARK ST N	Richard Corbett
PAT LOMBARDO	177 Park St. N.	Pat Lombardo
FRANK LOMBARDO	177 Park St. N.	F Lombardo
JOE PICONE	179 Park St. N.	J Picone
CONCETTA PICONE	179 PARK ST. N.	C Picone
GAETANO PICONE	179 PARK ST. N.	G. Picone
SEMINERIO GIOVANNA	181 PARK ST N	G. Seminerio
BALDASSARE SEMINERIO	181 PARK ST. N.	B Seminerio
ANGELA SEMINERIO	181 PARK ST. N.	Angela Seminerio
ELSIE LAVERY	189 Park St. N.	Elsie Lavery
MARY ALFANO	193 Park St. N	M. Alfano
SALVATORE CURTO	195 Park St. N.	S Curto
VINCENZA CAMPANELLA	203 PARK ST N	V. Campanella
ROSA CURTO	202 PARK ST	R Curto
MICKE CIOTTA	197 PARK ST	Michele Ciotta
RITA CIOTTA	197 PARK ST	Rita Ciotta
ANDY CIOTTA	197 PARK St	Andy Ciotta
URLA MARCHESE	205 PARK ST N	Urla Marchese
THOMAS MARCHESE	205 PARK ST N	T. Marchese
FERNANDO DE RUBEIS	207 PARK St. N.	Fernando de Rubeis
MARIA VICCANI	57 MULBERRY	Maria Viccani
SALVATORE MILITO	50 MULBERRY	Salvatore Milito
ROSE MILITO	50 MULBERRY	Rose Milito
MARIA CACIAPPO	52 MULBERRY	Maria Caciappo
LUCIANO CACIAPPO	52 MULBERRY	L. Caciappo
NAZZARENO FEBBRO	16 Mulberry ST	N Febbro
ANNA M. IOZZARI	55 CANNON ST. W.	A. Iozzari
NANCY SEMINARA	48 MULBERRY ST.	N Seminara

Area Residents; zoning
Petition against the proposed development of subject land (145 Mac-Nab N) for a 7 STOREY 100 UNIT Apartment Building (Non-Profit) including 465 m2 (5,005.38)sq. ft. Health Care Complex.

ZA-91-43

NAME (PRINT)	ADDRESS	SIGNATURE
GRACE MACALUSO	159 PARK ST N.	Grace Macaluso
Sam Macaluso	159 Park St N	S Macaluso.
LENA AMATO	78 MULBERRY ST.	Lena Amato
IGNAZIO AGRO	106 MULBERRY ST	Ignazio Agro
ANTONIO RUZZO	108 MULBERRY ST	A. Ruzzo
GINA DORIGO	28 SHEAFFE ST	Gina Dorigo
G. DORIGO	28 SHEAFFE ST	G Dorigo
ARCI DORIGO	28 SHEAFFE ST.	A Dorigo
CHRIS DORIGO	28 SHEAFFE	C Dorigo
ALFONSINA LICATA	32 SHEAFFE	Alfonsina Licata
Vesty Vento	34 Sheaffe	Vesty Vento
Maria Vento	34 Sheaffe	Maria Vento
JOHN F. MANTA	38 SHEAFFE ST.	John F Manta
Josephine Manta	38 Sheaffe st	Josephine Manta
MARIA STATTI	40 Sheaffe St	Maria Statti
Kerry Anderson.	40 Sheaffe St	Kerry Anderson
CHARLES TERRANA	44 SHEAFFE ST	Charles Terrana
Giuseppina TERRANA	44 SHEAFFE ST.	Giuseppina Terrana
GIOVANNI GIGLIA	53 SHEAFFE ST	G. Giglia
PASQA GIGLIA	53 SHEAFFE ST.	P. Giglia
ELVIRA MELO	51 SHEAFFE ST	E Melo
GUISEPPE MENDOLIA Giuseppe Mendolia	47 Sheaffe St	G. MENDOLIA
CONCETTA MENDOLIA	47 SHEAFF ST	C. Mendolia
Greg Rennick	43 SHEAFFE	Greg Rennick
JOSEPH RENNICK.	43 SHEAFFE	Joseph Rennick
MARY RENNICK	43 SHEAFFE	Mary Rennick
HARVEY BELLIVEAU	41 SHEAFFE	Harvey Belliveau
S. MUSITANO	49 COLBOURNE	
Pat MUSITANO	49 COLBOURNE	
JOE AVIGNONE	290 JAMES ST. N.	Joe Avignone
MARIA CASTELHANO	50 Colbourne St. N.	Maria Castelhano
VINCE AGRO	169 MAC NAB ST. N.	Vince Agro
Joe Seminara	48 Mulberry	Joe Seminara
FRANK LOSON	156 PARK N	
Eva Alves	157 Macnab st North	Eva Alves
Nick Alves	157 Macnab st North	Nick Alves
ELIZABETH DELI	45 MULBERRY St	Elizabeth Deli
Andy DELI	49 MULBERRY St.	Andy Deli
ISIDORE SENINARA	48 MULBERRY ST	Isidoro Seminara

CITY OF HAMILTON

- RECOMMENDATION -

11

DATE: 1991 October 9
ZA-91-48; Chappel East Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - Lands on the east side of the proposed extension of Upper Wentworth Street in the area south of Rymal Road East.

RECOMMENDATION:

That approval be given to Zoning Application 91-48, Rymal Gardens Inc., owner, for a change in zoning from "RT-10" (Townhouse) District to "RT-20" (Townhouse - Maisonette) District, to permit the development of townhouses, for property located on the east side of the proposed extension of Upper Wentworth Street, in the area south of Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "RT-10" (Townhouse) District to "RT-20" (Townhouse - Maisonette) District;

ii) That the "RT-20" (Townhouse - Maisonette) District regulations, as contained in Section 10E of Zoning By-Law 6593, applicable to the subject lands, be modified to include the following variance as a special requirement;

   a) That notwithstanding Section 10E(2)(a)3 street townhouses shall be prohibited fronting onto the proposed extension of Upper Wentworth Street;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27E be notated S- ;

iv) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-27E for presentation to City Council; and,

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "RT-10" (Townhouse) District to "RT-20" (Townhouse - Maisonette) District, for property located on the east side of the proposed extension of Upper Wentworth Street, in the area south of Rymal Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit future development of the subject lands for townhouses. In addition, the By-Law prohibits street townhouse development fronting onto the proposed extension of Upper Wentworth Street.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed change in zoning is to permit future development of the subject lands for townhouses in accordance with the "RT-20" (Townhouse - Maisonette) District regulations as opposed to the current "RT-10" (Townhouse) District regulations. The effect of the proposed change in zoning is to permit a slightly higher density of development (i.e. approx. 17.5 u/ac. vs. 15 u/ac.).

- By-Law 90-19

  On January 30, 1990, City Council passed By-Law 90-19 which rezoned the subject lands from "AA" (Agricultural) District to "RT-10" (Townhouse) District to permit a future townhouse development.

  The By-Law came into effect on March 20, 1990.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"RT-10" (Townhouse) District
Surrounding Lands		
to the north and east	vacant	"AA" (Agricultural) District
to the south	hydro power line corridor	"A" (Agriculture) Zone (Township of Glanbrook)
to the west	vacant	"C" (Urban Protected Residential,etc.) District and "AA" (Agricultural) District, modified

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The following policies would apply, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met;

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding area; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

i) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated for "ATTACHED HOUSING" on the approved Chappel East Neighbourhood Plan. The proposal complies with the intent of the approved Neighbourhood Plan.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "No concept drawings submitted to determine compliance with the zoning regulations."

- The Traffic Department has advised that:

  "... we have reviewed the above noted application and find it satisfactory provided no street townhouses be allowed fronting onto the proposed extension of Upper Wentworth Street."

- The Hamilton Wentworth Engineering Department has advised that:

  "There are external watermains and separate storm and sanitary sewers available to service these lands. All internal servicing, road widening, etc. will be dealt with under the draft plan of subdivision.

  In the absence of any details shown, we advise that any works which may occur within the adjacent road allowances must conform to the respective Streets By-Laws. Details about access, design and location will be submitted at such time as site plans are submitted to our office for review and approval. It is desirable that as much as possible access be from the side streets only but these matters will be resolved once the grade of Upper Wentworth Street has been finalized etc."

- TransCanada Pipelines has advised that:

  "The proposed development is immediately north of the Ontario Hydro power corridor within which TransCanada operates two natural gas pipelines. Our northern-most pipeline is approximately 200 feet from the north limit of the Hydro property. Therefore the proposed development should not physically affect our facilities.

  As TransCanada has installed heavy wall pipe at this location, the development should not affect our class location requirements. Our only comment would be to ensure that the developer is aware that all crossings of the right-of-way by roads, services or utilities must first be authorized by TransCanada Pipelines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision."

- Ontario Hydro, The Hamilton Region Conservation Authority, The Hamilton Wentworth Regional Police Department and The Township of Glanbrook have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan and the proposed Chappel East Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of the Official Plan and the approved Chappel East Neighbourhood Plan;

   - it would be compatible with the proposed future development in the surrounding area, comprised of single-family and two-family development and a small park to the west, attached housing to the north, single-family and two-family development to the east, and the power line corridor to the south within the Township of Glanbrook;

   - the proposed increase in density (approximately 10 units gross), is considered to be minor in nature and should not adversely impact on surrounding proposed development; and,

   - the requested zoning is appropriate for the proposed development.

For the information of the Committee, this proposal differs from a previous proposal submitted by the applicant (ZA-91-21) for lands on the opposite side of the proposed extension of Upper Wentworth street, in that the subject lands are already designated and zoned for townhouse development, whereas, the lands of the previous proposal were designated and zoned for single-family use.

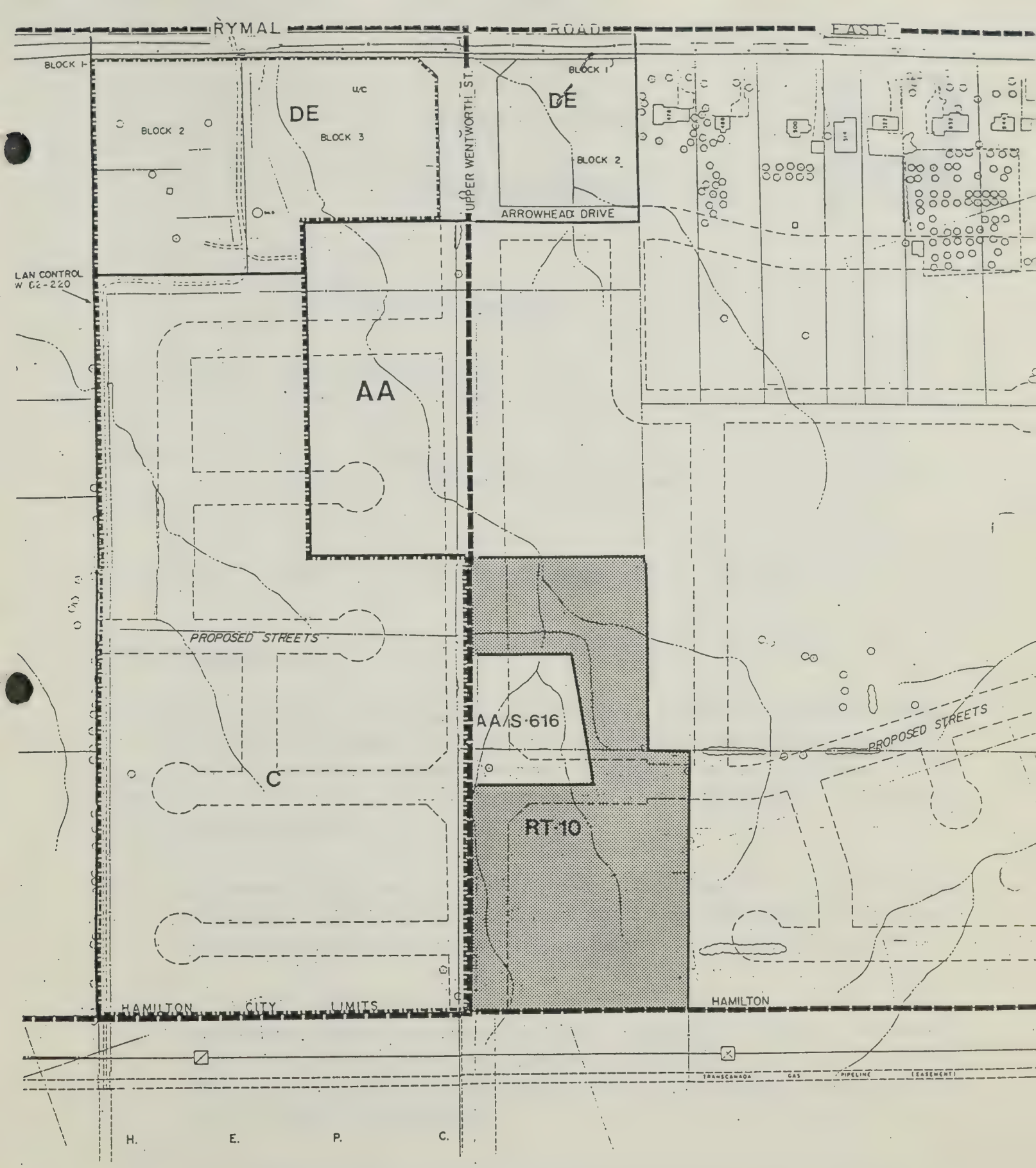
3. The requested "RT-20" (Townhouse - Maisonette) District zoning is subject to Site Plan Control By-Law 79-275, as amended by By-Law 87-223. Matters such as parking, access, grading, fencing, and landscaping will be dealt with at the site plan approval stage of development.

4. In keeping with the recommendation of the Traffic Department, street townhouses should be prohibited from fronting onto the proposed extension of Upper Wentworth Street.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma
ZA9148



Legend

Site of the Application

ZA 91-48

APPENDIX A

12

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1991 October 11
ZA-91-35
Crown Point East Neighbourhood

REPORT TO: Charlene Coutts, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification of zoning - No. 77 Graham Street North.

RECOMMENDATION:

That Zoning Application 91-35 R. Kozell, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to legalize the established four-family dwelling, for property located at No. 77 Graham Street North, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) it is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominately occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;

ii) the proposal conflicts with recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "D" District would only permit one accessory apartment as-of-right in all existing single-family dwellings, and two of the converted dwelling units would not meet the minimum 65m^2 (700 sq. ft.) floor area requirement ;

iii) it is an overintensification of use, in that adequate off-street parking cannot be provided (five spaces required - 3 spaces possible); and,

iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-Law and change the character of the neighbourhood.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

A.L.Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

  The purpose of the proposed modification in zoning is to legalize the established four dwelling units within the existing building. Under the established "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District regulations only two dwelling units are permitted. On the basis of information received, there are two, 1-bedroom units having floor areas of approximately 900 sq. ft., one, 2-bedroom unit having a floor area of approximately 600 sq. ft., and one bachelor unit having a floor area of approximately 500 sq. ft.

- Request for information from the Building Department

  On October 5, 1988 the applicant's solicitor requested information on compliance with building and zoning by-laws, and if there were outstanding work orders affecting this property (see APPENDIX "B").

  On October 20, 1988 the Building Department advised the applicant's solicitor that:

"As of this date, the records of this Department indicate No Outstanding Work Orders against these premises."(See APPENDIX "C").

- Order to Comply

On January 9, 1990, the Building Department issued an Order to Comply to the owner of the property. The order requires the owner to reduce the occupancy from a four-family dwelling to a two-family dwelling or legalize the present use (see APPENDIX "D").

On February 5, 1990, the applicant's solicitor advised as follows:

"Further to your correspondence to my client, dated January 9, 1990, it is my client's intention to legalize the existing use. We are in the process of obtaining solicitors in Hamilton to make the necessary search of the assessment rolls. We would ask that you grant us the time necessary to so proceed. If we are unable to establish a legal non-conforming use, we will make an application to amend the zoning by-law to permit the use to a multi-family dwelling." (see APPENDIX "E").

On March 14, 1990, the applicant's solicitor advised the Building Department as follows:

"Further to our letter of February 5, 1990, we would appreciate receiving the necessary forms to amend the zoning by-law to permit the use of a multi-family dwelling." (see APPENDIX "F").

APPLICANT:

Rudy Kozell, Renmax Reality and Investment Corporation, owner.

LOT SIZE AND AREA:

An irregular shaped parcel of land having;

- 1.82 m (6.0 ft.) of lot frontage on the west side of Graham Street North;
- 30.48 m (100.0 ft.) of lot depth; and ,
- 371.6 m^2 (4,000 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	four-family dwelling	"D" (Urban Protected Residential- One and Two-Family Dwellings, Townhouses, etc.) District
Surrounding Lands		
to the north	single-family dwellings	"D" (Urban Protected Residential- One and Two-Family Dwellings, Townhouses, etc.) District
to the south and east	water pipe line right-of-way	"D" Urban Protected Residential- One and Two Family Dwellings, Townhouses, etc.) District
to the west	single-family dwellings	"D" Urban Protected Residential- One and Two-Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated **"RESIDENTIAL"** on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to the following policies, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established ares, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity.

i) Provision and maintenance of adequate off-street parking.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value".

The proposal conflicts with the intent of policies A.2.1.8, C.7.1 i) and C.7.2 of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Crown Point East Neighbourhood Plan, the proposal would not conflict with the intent of the plan.

COMMENTS RECEIVED:

- The Building Department has advised that:

  "1. Four dwelling units is considered a mutiple dwelling which is not permitted.

  2. A multiple dwelling containing four dwelling units requires a minimum of five parking spaces.

  3. No plan submitted to determine compliance of the parking requirements of Section 18A of Zoning By-Law 6593."

- The Traffic Department has advised that:

  "A four-family dwelling requires five parking spaces, one of which is meant for visitors. The only parking available on-site is in the fenced backyard with access being from a public assumed alley. It appears that there is room enough for only three legal parking spaces. We are, therefore, not in a position to support this application."

- The Hamilton Wentworth Engineering Department has advised that:

  "There are public watermains and combined storm and sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any works which may occur within the Graham Street North road allowance or the public assumed alley must conform to the City Of Hamilton Streets By-Law. It is unclear from this application whether the existing house will be renovated.

According to this application, the applicant has 1.82 m of frontage on Graham Street and comments from the City Traffic Department with respect to access should be considered.

Any use of Regional owned property requires the approval of and appropriate agreements with the Region."

- The Hamilton Region Conservation Authority and The Hamilton Wentworth Regional Police Department have no comments or objections.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

2. The proposal does not conflict with the intent of the approved Crown Point East Neighbourhood Plan.

3. The proposal cannot be supported for the following reasons:

   i) it is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominately occupied by single-family dwellings and would contribute to an indiscriminate mix of housing types;

   ii) the proposal conflicts with recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "D" District would only permit one accessory apartment as-of-right in all existing single-family dwellings, and two of the converted dwelling units would not meet the minimum $65m^2$ (700 sq. ft.) floor area requirement (e.g. 600 sq. ft. and 500 sq. ft.);

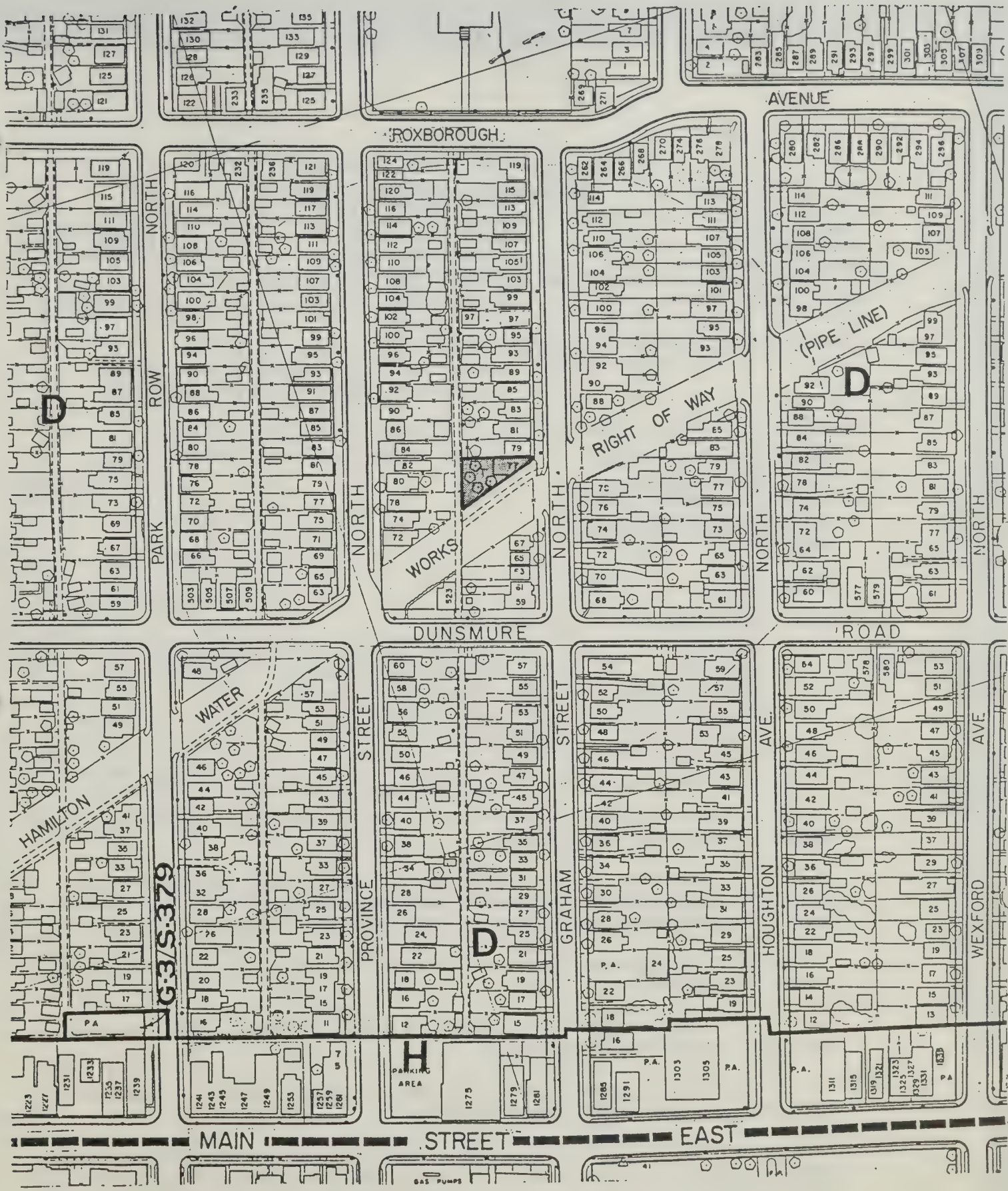
   iii) it is an overintensification of use, in that adequate off-street parking cannot be provided (five spaces required - 3 spaces possible). In this regard, the Traffic Department has advised that they do not support the application; and,

iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-Law and change the character of the neighbourhood.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/
ZA9135



Legend

Site Of The Application

ZA 91-35

APPENDIX A

SOLOMON AND SOLOMON

Barristers, Solicitors, Notaries

JOSEPH N. SOLOMON
RES. 782-1852
MYER R. SOLOMON (RETIRED)
COUNSEL
MELVILLE RASKIN

10TH FLOOR PENTHOUSE
481 UNIVERSITY AVENUE
TORONTO, ONTARIO
M5G 2E9

OFFICE TELEPHONE
977-7786
FACSIMILE
340-0064

REFER TO FILE NO.

October 5, 1988

Building Department
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

3000
A 888 3000
A 888 3000

Dear Sirs:

RE: PURCHASER : RUDY HOZEL
VENDOR : CARL HELDT AND LESLIE HELDT
ADDRESS : 77 Graham Street North
DESCRIPTION : Part Lot 500, Plan 497
MUNICIPALITY : City of Hamilton
CLOSING DATE : October 27, 1988
FILE NUMBER : 3726

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
30.00
OCT 11 1988
REC. BY _____ DATE _____
REF'D TO _____ DATE _____
REF'D TO _____ DATE _____
CHKD _____ DATE _____

Please be advised that we act for the purchaser in the above-mentioned transaction.

Please advise us if the property complies with all applicable building and zoning requirements as set out in the By-laws governing the property and specifically:

(a) Whether the subject lands are zoned to permit a legal fourplex;

(b) if the land complies with lot area, lot frontage and lot depth requirements;

(c) if the building complies with height, floor area, density and set-back requirements;

(d) if there are any zoning or building prohibitions, restrictions or regulations with respect to the use of the land and building.

(e) if the municipal council has passed a by-law under section 35 of The Planning Act; and,

OK
MG
Oct 19/88

APPENDIX B

(f) if there are any outstanding work orders, notices of violation or deficiencies against the property (please give details).

(g) Whether public services have been installed to the lot line and are fully paid for and not on local improvements.

(h) In the event these lands have been the subject of a Committee of Adjustments decision, please provide us with particulars of such decisions.

We enclose our cheque in the amount of $30.00 and we look forward to your early reply.

Yours very truly,

SOLOMON & SOLOMON

Joseph N. Solomon

JNS/lal

OFFICE OF THE BUILDING COMMISSIONER

REFER TO FILE

ATTENTION OF M. German

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 20, 1988

Solomon and Solomon
Barristers & Solicitors
10th Floor Penthouse
481 University Avenue
Toronto, Ontario
M5G 2E9

Attention: Mr. Joseph N. Solomon

Dear Sir:

RE: Hozel p/f Heldt
77 Graham St. North

In reply to your letter of inquiry of October 5th, 1988, regarding the above-noted property, please be advised as follows:

As of this date, the records of this Department indicate No Outstanding Work Orders against these premises.

Please note, this report does not imply that a field inspection has been carried out regarding your inquiry.

Yours very truly,

M. German

For PAUL KUPPE, P. Eng.
Building Commissioner

MG/kk
Encl.

Receipt No. 888

NOTE: The aforementioned information pertains to Department of Building files ONLY. You may wish to contact The Hamilton Fire Prevention Bureau and/or The Hamilton-Wentworth Regional Health Unit for their requirements.

HAMILTON FOOTBALL HALL OF FAME 25 YEARS

APPENDIX C

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Rudy Hozel	77 Graham Avenue North(RES)
33 Kuhl Avenue	HAMILTON, Ontario.
Islington, Ontario	
M9Z 5X8	

TAKE NOTICE THAT THE Building
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-Law 6593, as amended, Section 10	The building is being used as a four family dwelling. REQUIREMENT TO COMPLY: Reduce occupancy to a two family dwelling or legalize the present use.

"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e).

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~ WITHIN ninety (90) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	January 9/90	G. Daly 546-2029	January 9/90
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782
8 AM - 9 AM

FORM 494
EBF BUSINESS FORMS INC.

APPENDIX D

SOLOMON AND SOLOMON

Barristers, Solicitors, Notaries

JOSEPH N. SOLOMON
FES. 784-852
MYER R. SOLOMON (1913-1986)
COUNSEL
MELVILLE RASKIN

10TH FLOOR PENTHOUSE
481 UNIVERSITY AVENUE
TORONTO, ONTARIO
M5G 2E9

OFFICE TELEPHONE
977-7786
FACSIMILE
340-0064

REFER TO FILE NO. 3726

February 5, 1990

Office of the Building Commissioner
The Corporation of the City of Hamilton
Department of Buildings
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: G. Daly, Esq.
Building Inspector

Dear Sirs:

Re: 77 Graham Avenue North
Order to Comply - January 9, 1990

Further to your correspondence to my client, dated January 9, 1990, it is my client's intention to legalize the existing use. We are in the process of obtaining solicitors in Hamilton to make the necessary search of the assessment rolls. We would ask that you grant us the time necessary to so proceed. If we are unable to establish a legal non-conforming use, we will make an application to amend the zoning by-law to permit the use to a multi-family dwelling.

Yours very truly,

SOLOMON AND SOLOMON

Joseph N. Solomon.

JNS/sjs

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
FEB 0 9 1990
RCVD BY..... DATE.....
RCVD BY..... DATE.....
RCVD BY..... DATE.....
RCVD BY..... DATE.....

APPENDIX E

SOLOMON AND SOLOMON

Barristers, Solicitors, Notaries

JOSEPH N. SOLOMON
RES. 783-1852
MYER R. SOLOMON (1913-1988)
COUNSEL
MELVILLE RASKIN

10TH FLOOR PENTHOUSE
481 UNIVERSITY AVENUE
TORONTO, ONTARIO
M5G 2E9

OFFICE TELEPHONE
977-7786
FACSIMILE
340-0064

REFER TO FILE NO.

3726

March 14, 1990

Office of the Building Commissioner
The Corporation of the City of Hamilton
Department of Buildings
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: G. Daly, Esq.
Building Inspector

Dear Sirs:

RE: 77 Graham Avenue North
Order to Comply - January 9, 1990

Further to our letter of February 5, 1990, we would appreciate receiving the necessary forms to amend the zoning by-law to permit the use of a multi-family dwelling.

Yours very truly,

SOLOMON AND SOLOMON

Joseph N. Solomon

JNS:smc

Mar 21/90
Spoke c X 4221.
Copy of this letter forwarded to Martha Anastos, Planning Dept, for reply to lawyer

JH

APPENDIX F

12a

ZA91-35

T 15 1991

Mr Mrs R. Kane
79 GRAHAM AVE N.
HAMILTON
ONTARIO

In reply to the request for change of ZONING to 77 GRAHAM AVE N.

Myself and my wife are totaly against this plan.

① This house is a fire trap and has been on fire once this year already.

② There is little parking on this street whithout the possible extra cars from this building.

③ In the last few years there have been a large turn over in tennents. Who have been very noisey, and have ~~never~~ never stopped very long.

④ I very much doubt that planning permit or application

ZA91-35

where filled before eny of the extensions where built on to this house.

⑤ It is a mixture of building styles and does not follow eny set style.

⑥ What is the point of making Zoning laws to regulate. If eny body can do what they want with there building, ~~under the~~ and then plead ignorance.

⑦ These homes where built for single and double family

⑧ These Zoning laws where made for a purpose and should not be changed willy nilly

⑨ These homes should be kept single and double. For benefit of the whole area.

"Copy sent to Alex Georgieff, Director of Local Planning and Patrice Noé Johnson, City Solicitor - Law Department - 1991 October 15th".

ZA91-35

(11)

and not for the profit of
One landlord.
Please keep our area as is
and dont open the door to turn
this area in to a bedsit
land.

MR Rabitt Ltd.

RECEIVED
OCT 15 1991
CITY CLERKS

URBAN/MUNICIPAL
CAH ON HBL AOS
C51P4 1991

Wednesday, 1991 October 2
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairperson
Alderman D. Drury, Vice Chairperson
Mayor R. Morrow
Alderman V. Formosi
Alderman W. McCulloch
Alderman H. Merling
Alderman D. Ross
Alderman M. Kiss
Alderman D. Wilson

Also present: Lou Sage, Chief Administrative Officer
Alex Georgieff, Director of Local Planning
Paul Mallard, Planning Department
Peter Lampman, Building Department
Brian Allick, Building Department
Konrad Brenner, Regional Engineering Department
Art Zuidema, Law Department
Dave Powers, Law Department
Rolland Karl, Traffic Department
Mike Watson, Property Department
Charlene Coutts, Secretary

CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee for its meeting held 1991 September 18 and these minutes were adopted as circulated.

BUILDING COMMISSIONER

B. Demolition Permit Application - 258 Beach Boulevard.

The Committee was in receipt of a report dated 1991 September 24, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for 258 Beach Boulevard.

DIRECTOR OF PROPERTY

C. Expropriation by City of Hamilton - 9 Gerrard Street - 573667 Ontario Ltd. (Residential Enclave Clearance Program) - Agreement by Owner to Accept Compensation.

The Committee was in receipt of a report dated 1991 September 24, from the Director of Property, respecting the above-noted matter.

The Committee approved the following recommendation:

(a) That an Agreement by Owner to Accept Compensation for the property of 573667 Ontario Ltd. (Norman Ferguson, President), executed on 1991 August 19, and scheduled for closing on or before 1991 November 15, be accepted and completed. The subject property being Municipal Number 9 Gerrard Street, having a total frontage along the northern limit of Gerrard Street of 5.29 metres (19 feet) more or less, shown as Part 1 on Expropriation Plan No. 79838, together with all structures erected thereon. That the total compensation of $41,900.66 along with all associated costs be charged to Account Number CF 55903 08750001 (Land Acquisition - Enclave Clearance Program) and that demolition of the structure at 9 Gerrard Street take place upon closing.

(b) That the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

D. **Release of Building Covenants - Basil Alfred Williams and Edward Charles Cummings, Part of Block 17 and Part of Lot 10, Plan 62M-352, 1060 Rymal Road East.**

The Committee was in receipt of a report dated 1991 September 23, from the Director of Property, respecting the above-noted matter. The Committee approved the following recommendation:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 1060 Rymal Road East, Hamilton from the restrictive covenants to the City as contained in Instrument Number 207070 L.T. and 207071 L.T. registered on 1987 August 13, subject to the landscaping requirement of the site plan agreement between the owner and the municipality being satisfied prior to the release of said covenants.

COMMISSIONER OF PLANNING AND DEVELOPMENT

E. **By-law to remove Part-Lot Control from Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78-138 inclusive of Registered Plan 62M-639.**

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter. The Committee approved the following recommendation:

(a) That the City Solicitor be directed to prepare a by-law to repeal By-laws 90-90 and 90-287 for presentation to City Council.

(b) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78 - 138 inclusive of Registered Plan 62M-639, for presentation to City Council.

(c) That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth.

(d) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots, 1, 2, 3, 5, 13, 53, 54, 55, 57, 62, 68, 69, 70, 73, 74, 75, Block 140 and Lots 78-138 inclusive of Registered Plan 62M-639.

BUILDING COMMISSIONER

F. City of Hamilton Heritage Programme - 141 St. Clair Avenue.

The Committee was in receipt of an added report dated 1991 October 1, from the Building Commissioner respecting the above-noted matter. The Committee approved the following recommendation:

> That a Designated Property Grant in the amount of one thousand, one hundred and sixty-five dollars ($1,165.) be provided to Mrs. M. Gowling, 141 St. Clair Avenue, Hamilton.

REGULAR AGENDA

DELEGATION

2. Request for Amendment to By-law 88-9, re: Roof Leaders Requiring Direct Connection to Storm Sewers.

The Committee was in receipt of a letter dated 1991 September 18, from Chris Gatt, Trevor P. Garwood-Jones Architects Inc., requesting that By-law 88-9, be amended to permit the use of splash pads under all downspouts to handle roof water.

Fred Vermeulen, Trevor P. Garwood-Jones Architects Inc.; Ralph Brook, Victoria Park Community Homes; Kenneth Young, Young Engineering; and Chris Gatt, Trevor P. Garwood-Jones Architects Inc. appeared before the Committee with respect to this matter.

Fred Vermeulen informed the Committee that a lot of bedrock has been found on this site and would cost the developer an additional $40,000. to meet the By-law requirements. Mr. Vermeulen argued that splash pads instead of direct connection to storm sewers would serve the same purpose.

Kenneth Young informed the Committee that the site is self-drained and that the existing grading allows for the water to be directed to the storm sewers.

After considerable discussion, the Committee recommended the following:

> That the request of Trevor P. Garwood-Jones Architects Inc. to amend By-law No. 88-9, respecting roof leaders to permit the use of splash pads under downspouts to handle roof water be denied.

REFERRAL FROM CITY COUNCIL

3. Former T.H. & B. Roundhouse.

The Committee was in receipt of a letter dated 1991 September 9, from C. P. Rail, respecting the former T.H. & B. Roundhouse which City Council at its meeting held 1991 September 24, referred to the Planning and Development Committee.

Dave Powers, Law Department, informed the Committee that C.P. Rail is asking the City to assume liability for this property. Mr. Powers indicated that the City Insurance does not cover property that the City does not own or lease.

Alderman Dave Wilson stated that all efforts should be taken to save this building and informed Committee members that he is meeting with the Ontario Worker's Arts and Heritage Centre Board of Management on 1991 October 9, to discuss this matter and asked that the Committee table this matter pending the outcome of this meeting.

After considerable discussion, the Committee approved the following recommendation:

That the letter dated 1991 September 9, from C.P. Rail respecting the former T.H. & B. Roundhouse, **be tabled** until the next meeting.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. Application for Demolition of 74 Charlton Avenue East.

The Committee was in receipt of a report dated 1991 September 25, from the Local Architectural Conservation Advisory Committee, respecting the above-noted matter.

The Committee was advised that the City cannot issue a demolition permit for this property until such time as a development permit is issued by the Niagara Escarpment Commission.

After much discussion, the Committee approved the following recommendation:

(a) That a letter be sent to the Niagara Escarpment Commission advising them that an application for a demolition permit for the property at 74 Charlton Avenue East has been received; and,

(b) That the owner of 74 Charlton Avenue East be advised that the City cannot issue a demolition permit until the Niagara Escarpment Commission issues a development permit for this property.

5. ALDERMANIC REFERRAL

Contractual Matter **(Private and Confidential)**

The Committee then adjourned to meet **In Camera** with respect to the above-noted matter.

The Committee then reconvened in open session and approved the following:

That the information as presented be received and that no action be taken with respect to this matter.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

6. Zoning Application 91-36, S. T. Young, owner, for a modification to the "DE-3" District regulations for property at 234 MacNab Street South; Durand Neighbourhood.

The Committee was in receipt of a report dated 1991 September 25, from the Commissioner of Planning and Development with respect to the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed Committee members that of the 727 notices circularized; 29 were received in favour; and 31 were received in opposition.

Keith Young, owner, 234 MacNab Street South, appeared before the Committee and advised that he has been operating this boarding house since 1973 and that the boarding house itself has been in existence for the past 40 years. Mr. Young also informed the Committee that he has been advised by the Traffic Department that no additional traffic and parking problems have been created as a result of the existence of this boarding house.

The Committee was also informed that Mr. and Mrs. Young, owners, live on site and have complete control over the rooming house.

Helene Fallon, 265 MacNab Street South, representing the Durand Neighbourhood Association, appeared before the Committee to express the opposition of the Association with respect to this Zoning Application. Helene Fallon indicated that increasing the status of a lodging house from 6 people to 9 people will increase the parking problems that currently exist in the Durand area. Mrs. Fallon presented a written submission opposing the application to the Secretary.

Barry Batsner, 234 MacNab Street South, appeared before the Committee to support the Zoning Application. Mr. Batsner, who resides at this rooming house, informed Committee members that the owners are responsive to the needs of the tenants and are constantly maintaining and improving the property.

James Cane, 234 MacNab Street South, also a tenant at the rooming house, appeared before the Committee and reiterated the fact that this rooming house has been in operation for the past 40 years.

Kenneth Moore, 38 Charlton Avenue West, President of the Charlton Towers Apartment (Hamilton) Limited, appeared before the Committee and expressed concerns that the rooming house tenants and their visitors are using the apartment's parking lot.

Ruth McCraig, 49 Robinson Street, appeared before the Committee in support of the Zoning Application. The Committee was also in receipt of a submission that was presented by Mrs. McCraig on 1991 September 11.

The Committee was also in receipt of a submission from Mr. and Mrs. John Collins, 261 MacNab Street South, opposing the Zoning Application on the basis of existing parking problems in the area.

Alderman McCulloch informed the Committee that he has recently visited the site and was impressed with the condition of the building and stated that the additional 3 lodgers would not created any addition parking problems.

After much discussion, the Committee did not support staff's recommendation to deny this Zoning Application, however, the Committee approved the following:

> That approval be given to Zoning Application 91-36, Shirley T. Young, owner, requesting a modification to the established "DE-3" (Multiple Dwellings) District regulations, to permit a two-family dwelling and a lodging house for 9 lodgers with two kitchens, for property located at 234 MacNab Street South, as shown on the map attached to the report and marked as Appendix "A", on the following basis:
>
> (a) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
>
> (i) That notwithstanding Section 10C of Zoning By-law No. 6593, a two-family dwelling and a lodging house for a maximum of nine lodgers with two kitchens, shall be permitted only within the existing building;
>
> (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1248, and that the subject lands on Zoning District Maps W-5 and W-6 be notated S-1248;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-5 and W-6 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

7. Zoning Application 91-42, H. A. Hader, owner, for a modification to the "C" District regulations for property at 161 Delaware Avenue; St. Clair Neighbourhood.

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of submissions in opposition to the Zoning Application from Charles Forsyth, 175 Delaware Avenue, and Albert Alexanian, 230 King Street East.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed the Committee members that 228 notices were circularized of which 5 were received in favour and 36 received in opposition.

Harry Hader, owner, 161 Delaware Avenue, appeared before the Committee and asked the Committee to support this Zoning Application given that a number of multiple dwellings exist in the area.

David Beland, 182 St. Clair Boulevard, Chairman of the Neighbourhood Committee and Citizens-for-Citizens, appeared before the Committee and presented a submission to the Secretary in opposition to the proposed Zoning change as this area is zoned for single family homes or converted 2 family dwellings only.

Gayle Ozolins, 156 Holton Avenue South, also appeared before the Committee and submitted a petition signed by 38 home owners on St. Clair Boulevard, to the Secretary, opposing the Zoning Application. Mrs. Ozolins stated that no legal four-plexes are in the area, however, there are some legal non-conforming tri-plexes.

Brenda Ostolana, 166 Delaware Avenue, appeared before the Committee in opposition of the Zoning Application, given the parking problems that would result if the application was approved.

Mr. Flaherty, 120 Delaware Avenue, also appeared before the Committee and expressed his opposition to the Zoning Application in an effort to preserve the existing neighbourhood.

Alderman Drury then addressed the Committee and stated that the owner has been contacted on a number of occasions and advised that a four-family dwelling is not permitted under the Zoning By-law.

After much discussion, the Committee approved the following recommendation:

> That Zoning Application 91-42, Henry A. Hader, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established four-family dwelling, on property located at 161 Delaware Avenue, as shown on the map attached to the report and marked as Appendix "A", be denied for the following reasons:

(a) It is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;

(b) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area;

(c) Approval of this application would be contrary to the intent of By-law 76-229 (St. Clair Neighbourhood Rezonings) which downzoned this area from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District, in effect, eliminating the potential for townhouses and permitting conversions to two-family dwellings only;

(d) It is contrary to recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings.

8. <u>Zoning Application 91-44, C. M. Healey, owner, for a modification to the "C" District regulations for property at 126 Lilacside Drive; Thorner Neighbourhood.</u>

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of a written submission dated 1991 September 10, from Mr. and Mrs. Ray Hall, 114 Lilacside Drive, opposing the Zoning Application.

Paul Mallard, Planning Department, made a presentation with respect to this Zoning Application and informed Committee members that of the 100 notices mailed, 5 were received in favour and 7 were received in opposition.

Mr. Healey, owner, 126 Lilacside Drive, appeared before the Committee and asked the Committee to support the Zoning Application that would permit a Hairdressing Salon to operate between the hours of 10:00 o'clock a.m. and 4:00 o'clock p.m. in his home.

Cathy May, 127 Lilacside Drive, appeared before the Committee and submitted a letter to the Secretary in opposition to the Zoning Application. Mrs. May added that there is presently a Hairdresser in the neighbourhood, as well as a number of Malls, and has concerns with respect to the increased traffic caused by this business.

After some discussion, the Committee approved the following recommendation:

That approval be given to Zoning Application 91-44, Catherine Marie Healey (Healey Hair Design), lessee, requesting a modification to the "C" (Urban Protected Residential, etc.) District regulations, to permit a hairdresser as a home occupation use, for property located at 126 Lilacside Drive, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding paragraphs (f) and (h) of Section 2.(2) H.(iii), hairdressing shall be permitted as a home occupation on the following basis:

(1.) It is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

(2.) There shall not be more than one comb-out centre and one styling sink.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1249, and that the subject lands on Zoning District Map E-27 be notated S-1249;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27 for presentation to City Council;

(d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10:45 O'CLOCK A.M.

9. **Zoning Application 91-45, J. and M. Miklos, owners, for a change in zoning from "AA" to "C" for part of lands at 1062 and 1088 Upper Paradise Road; Falkirk West Neighbourhood.**

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

Paul Mallard, Planning Department, made a presentation with respect to the Zoning Application and informed the Committee that 26 notices were mailed of which 4 were received in favour and -0- were received in opposition.

The Committee approved the following recommendation:

That approval be given to Zoning Application 91-45, James and Mary Miklos, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit development of the subject lands for 5 single-family dwellings, for properties located at 1062 and 1088 Upper Paradise Road, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council; and,

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

10. Zoning Application 91-46, C. Pies Inc., prospective owner, for a change in zoning from "C" to "HH" for property at 27 Rymal Road West; Kennedy East Neighbourhood.

The Committee was in receipt of a report dated 1991 September 24, from the Commissioner of Planning and Development respecting the above-noted matter.

The Committee was also in receipt of submissions from Ken Rosart, Rosart Properties Inc., 226 South Service Road East, Oakville, and Nidae Abbas, Real Estate Representative for McDonald's Restaurants of Canada Limited, Toronto, in opposition to the proposed change to permit the development of the subject property.

After some discussion, the Committee approved the following recommendation:

That approval be given to Zoning Application 91-46, Christopher Pies Inc., prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a 2 storey retail office building and a one storey restaurant (Tim Hortons) to be developed in conjunction with the adjacent lands to the east, for the property located at 27 Rymal Road West, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1185a, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1185a;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

11. <u>Zoning Application 90-74, A. Biggs, owner, for a modification to the "D" District regulations for property at 49 Holly Avenue; McAnulty Neighbourhood.</u>

The Committee was in receipt of a report dated 1991 August 2, from the Commissioner of Planning and Development that was previously tabled at the last meeting of the Planning and Development Committee, respecting the above-noted matter.

Alderman Wilson informed the Committee that he recently met with the property owner and area residents with respect to the Zoning Application, and recommended that the Committee not support staff's recommendation to deny the Zoning Application, but requested that the application be approved.

After considerable discussion, the Committee approved the following recommendation:

That approval be given to Zoning Application 90-74, Antonette Biggs, owner, requesting a modification to the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit a two family dwelling, on property located at 49 Holly Avenue, as shown on the map attached to the report and marked as Appendix "A", on the following basis:

(a) That the "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

  (i) That notwithstanding Section 10 of Zoning By-law No. 6593, a two-family dwelling shall be permitted;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1250, and that the subject lands on Zoning District Map E-52 be notated S-1250;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-52 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN FRED LOMBARDO, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Charlene J. Coutts
Secretary
1991 October 2



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